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LEGISLATIVE HISTORY

(10)

Public Law 263--79th Congress

3358
448

Chapter 532--1st Session

H. R. 4129

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See also folder of bills which did not pass.

REORGANIZATION ACT OF 1945. Requires the President to examine Government organization and determine what changes are necessary to facilitate re-conversion; economize; increase efficiency; group, coordinate, and consolidate agencies and functions; and eliminate duplication. States congressional expectation that actions under this Act shall reduce costs at least 25%. Requires the President, when changes should be made, to prepare and send to Congress reorganization plans. Requires that such plans, when necessary, change agencies' names and titles of their heads; permits such plans to provide for appointment of agency heads with certain restrictions; requires that provision be made for disposition of records, property, and personnel affected, and for transfer of appropriation balances; and provides for liquidation of abolished agencies.

Prohibits inclusion of provisions to abolish or transfer entire departments, set up new departments, change the name of a department or the title of its head, continue an agency or function beyond its statutory limit, authorize a function not authorized by law, impose additional limitations on quasi-judicial or quasi-legislative functions, or increase a term of office. Exempts I. C. C., F. T. C., S. E. C., Mediation Board, Railroad Adjustment Board, Railroad Retirement Board, and Corps of Engineers from transfer, etc. Requires separate submission of any plans transferring F. C. C., F. D. I. C., Tariff Commission, or Veterans' Administration. Prohibits any plan from changing the status of an agency established or changed by law since January 1, 1945. Prohibits effectuation of plans unless submitted before April 1, 1948. Provides that plans shall take effect after 60 days unless disapproved by both houses of Congress. Requires savings from plans to be returned to the Treasury. Includes provisions regarding congressional consideration of plans.

PRESIDENT'S REORGANIZATION PLANS

PLAN NO. 1 was rejected by Congress.

PLAN NO. 2 (became effective July 17). Transfers most of the Children's Bureau, the vital statistics of the Census Bureau, and the functions of the Employees' Compensation Commission to the Federal Security Agency. Provides for administration of the Social Security program without the necessity of a Board. Abolishes the Federal Board of Vocational Education.

PLAN No. 3 (became effective July 17, 1946). Transfers to the Interior Department jurisdiction over minerals in certain Agriculture Department lands but provides that mineral development on such lands shall be authorized only when the Secretary of Agriculture advises that such development will not interfere with the primary purposes for which the land was

acquired and only in accordance with such conditions as may be specified by Agriculture to protect such purposes. Consolidates the General Land Office and the Grazing Service into a Bureau of Land Management. Validates the transfer of WFA functions to the Secretary of Agriculture. Transfers the Canal Zone Biological Area to the Smithsonian Institution and abolishes the Board of Directors. Transfers to the U. S. Employment Service the functions of the Selective Service System regarding assistance to veterans in obtaining new positions.

INDEX AND SUMMARY OF HISTORY ON H. R. 4129

May 24, 1945	Message from the President of the United States transmitting a request for the enactment of legislation to revise the Executive Agencies of the Government. House Document 199.
May 26, 1945	H. R. 3325 introduced by Mr. Manasco and referred to the House Committee on Expenditures. (Companion bill).
June 7, 1945	S. 1120 introduced by Mr. Overton and referred to the Senate Committee on the Judiciary. (Companion bill).
September 4, 1945	Hearings: House, H. R. 3325.
September 6, 1945	Hearings: Senate, S. 1120.
September 19, 1945	H. R. 4129 introduced by Mr. Manasco and referred to the House Committee on Expenditures.
September 20, 1945	House Committee reported H. R. 4129 without amendment. House Report 971. Print of the bill as reported.
September 26, 1945	Remarks of Reps. Crawford and Mansfield.
September 27, 1945	Rules Committee reported H. Res. 360 to waive points of order and for consideration of the bill (H. R. 4129). House Report 1028. Remarks of Rep. Schwabe.
October 3, 1945	House agreed to H. Res. 360 and began debate on H. R. 4129.
October 4, 1945	Debate concluded. House passed H. R. 4129 with amendments.
October 5, 1945	Remarks of Reps. Jennings and Robinson. Print of H. R. 4129 as referred to the Senate Committee on the Judiciary.
October 18, 1945	Senate Committee reported H. R. 4129 with amendment. Senate Report 638. Print of the bill as reported.
October 22, 1945	S. 1120 discussed in Senate and passed over.
October 26, 1945	Overton amendment to S. 1120.
November 1, 1945	Senate began debate on S. 1120.

November 1, 1945	Amendments proposed by the following Senators: Donnell, Revercomb, Taft, Radcliffe, Ferguson, Cordon, Byrd.
November 2, 1945	Debate continued on S. 1120. Amendments proposed by Senators Wilson and Donnell.
November 6, 1945	Amendment Proposed by Mr. Donnell.
November 8, 1945	Debate continued on S. 1120. Revercomb amendment.
November 9, 1945	Debate continued. Byrd amendments.
November 14, 1945	Debate continued.
November 15, 1945	Debate continued.
November 16, 1945	Debate continued. Smith amendment.
November 19, 1945	Debate concluded. Senate passed with amendment H. R. 4129 in lieu of S. 1120. Print of H. R. 4129 with amendments of the Senate. Senate Conferees ap- pointed.
November 20, 1945	House appointed Conferees.
December 12, 1945	House received Conference Report. House Report 1378.
December 13, 1945	Senate received and agreed to Conference Report. House agreed to Conference Report.
December 20, 1945	Approved. Public Law 263.

Index and Summary of History on President's Reorganization Plans

Plan No. 1

May 16, 1946 Message from The President of The United States transmitting Reorganization Plan No. 1. House Document 594.

May 25, 1946 House Con. Res. 155 submitted by Rep. Pittenger and referred to the Committee on Expenditures in the Executive Departments.

May 29, 1946 Senate Con. Res. 64 submitted by Sen. McCarran and referred to the Committee on the Judiciary.

June 24, 1946 House Committee on Expenditures in the Executive Departments reported without amendment on H. Con. Res. 155. House Report 2326.

July 9, 1946 Senate Committee on the Judiciary reported without amendment on S. Con. Res. 64.

July 15, 1946 H. Con. Res. 155 considered and agreed to.
(H. Con. Res. 155 does not favor Reorganization Plan).

July 16, 1946 H. J. Res. 382 introduced and referred to the Committee on Expenditures in the Executive Departments.

Plan No. 2

May 16, 1946 Message from The President of the United States transmitting Reorganization Plan No. 2. House Document 595.

May 23, 1946 House Con. Res. 151 submitted by Rep. Pittenger and referred to the Committee on Expenditures in the Executive Departments.

May 29, 1946 Senate Con. Res. 65 submitted by Sen. McCarran and was referred to the Committee on the Judiciary.

June 24, 1946 House Committee reported H. Con. Res. 151 without amendment. House Report 2327.

July 9, 1946 Senate Committee reported S. Con. Res. 65 without amendment. Senate Report 1671.

July 15, 1946 H. Con. Res. 151 considered and disagreed to.
(H. Con. Res. 151 does not favor Reorganization Plan)

Plan No. 3

May 16, 1946	Message from The President of The United States transmitting Reorganization Plan 3. House Document 596.
May 25, 1946	House Con. Res. 154 submitted by Rep. Pittenger and was referred to the Committee on Expenditures in the Executive Departments.
May 29, 1946	Senate Con. Res. 66 submitted by Sen. McCarran and was referred to the Committee on the Judiciary.
June 24, 1946	House Con. Res. 154 reported by the House Committee without amendment. House Report 2328.
July 9, 1946	Senate Committee reported S. Con. Res. 66 without amendment. Senate Report 1672.
July 13, 1946	H. Con. Res. 154 considered and disagreed to. (H. Con. Res. 154 does not favor Reorganization Plan).
Hearings:	House. on Plans Nos. 1, 2, and 3. H. Con. Res. 151, 154, and 155. Senate. on Plans Nos. 1, 2, and 3. S. Con. Res. 64, 65, and 66.

LEGISLATION TO REVISE THE GOVERNMENT
EXECUTIVE AGENCIES

M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

REQUEST FOR THE ENACTMENT OF LEGISLATION TO REVISE THE
EXECUTIVE AGENCIES OF THE GOVERNMENT

MAY 24, 1945.—Referred to the Committee on Expenditures in the Executive
Departments and ordered to be printed

To the Congress of the United States:

The Congress has repeatedly manifested interest in an orderly transition from war to peace. It has legislated extensively on the subject, with foresight and wisdom.

I wish to draw the attention of the Congress to one aspect of that transition for which adequate provision has not as yet been made. I refer to the conversion of the executive branch of the Government.

Immediately after the declaration of war the Congress, in title I of the First War Powers Act, 1941, empowered the President to make necessary adjustments in the organization of the executive branch with respect to those matters which relate to the conduct of the present war. This authority has been extremely valuable in furthering the prosecution of the war. It is difficult to conceive how the executive agencies could have been kept continuously attuned to the needs of the war without legislation of this type.

The First War Powers Act expires by its own terms 6 months after the termination of the present war. Pending that time, title I will be of very substantial further value in enabling the President to make such additional temporary improvements in the organization of the Government as are currently required for the more effective conduct of the war.

However, further legislative action is required in the near future, because the First War Powers Act is temporary, and because, as matters now stand, every step taken under title I will automatically revert, upon the termination of the title, to the preexisting status.

Such automatic reversion is not workable. I think that the Congress has recognized that fact, particularly in certain provisions of section 101 of the War Mobilization and Reconversion Act of 1944. In some instances it will be necessary to delay reversion beyond the period now provided by law, or to stay it permanently. In other instances it will be necessary to modify actions heretofore taken under title I and to continue the resulting arrangement beyond the date of expiration of the title. Automatic reversion will result in the reestablishment of some agencies that should not be reestablished. Some adjustments of a permanent character need to be made, as exemplified by the current proposal before the Congress with respect to the subsidiary corporations of the Reconstruction Finance Corporation. Some improvements heretofore made in the Government under the First War Powers Act, as exemplified by the reorganization of the Army under Executive Order No. 9082, should not be allowed to revert automatically or at an inopportune time.

I believe it is realized by everyone—in view of the very large number of matters involved and the expedition required in their disposition—that the problems I have mentioned will not be met satisfactorily unless the Congress provides for them along the general lines indicated in this message.

Quite aside from the disposition of the war organization of the Government, other adjustments need to be made currently and continuously in the Government establishment. From my experience in the Congress, and from a review of the pertinent developments for a period of 40 years preceding that experience, I know it to be a positive fact that, by and large, the Congress cannot deal effectively with numerous organizational problems on an individual item basis. The Congressional Record is replete with expressions of Members of the Congress, themselves, to this effect. Yet it is imperative that these matters be dealt with continuously if the Government structure is to be reasonably wieldy and manageable, and be responsive to proper direction by Congress and the President on behalf of the people of this country. The question is one that goes directly to the adequacy and effectiveness of our Government as an instrument of democracy.

Suitable reshaping of those parts of the executive branch of the Government which require it from time to time is necessary and desirable from every point of view. A well-organized executive branch will be more efficient than a poorly organized one. It will help materially in making manageable the Government of this great Nation. A number of my predecessors have urged the Congress to take steps to make the executive branch more business-like and efficient. I welcome and urge the cooperation of Congress to the end that these objectives may be attained.

Experience has demonstrated that if substantial progress is to be made in these regards, it must be done through action initiated or taken by the President. The results achieved under the Economy Act (1932), as amended, the Reorganization Act of 1939, and title I of the First War Powers Act, 1941, testify to the value of Presidential initiative in this field.

Congressional criticisms are heard, not infrequently, concerning deficiencies in the executive branch of the Government. I should be less than frank if I failed to point out that the Congress cannot consistently advance such criticisms and at the same time deny the President the means of removing the causes at the root of such criticisms.

Accordingly, I ask the Congress to enact legislation which will make it possible to do what we all know needs to be done continuously and expeditiously with respect to improving the organization of the executive branch of the Government. In order that the purposes which I have in mind may be understood, the following features are suggested: (a) The legislation should be generally similar to the Reorganization Act of 1939, and part 2 of title I of that act should be utilized intact; (b) the legislation should be of permanent duration; (c) no agency of the executive branch should be exempted from the scope of the legislation; and (d) the legislation should be sufficiently broad and flexible to permit of any form of organizational adjustment, large or small, for which necessity may arise.

It is scarcely necessary to point out that under the foregoing arrangement (a) necessary action is facilitated because initiative is placed in the hands of the President, and (b) necessary control is reserved to the Congress since it may, by simple majority vote of the two Houses, nullify any action of the President which does not meet with its approval. I think, further, that the Congress recognizes that particular arrangement as its own creation, evolved within the Congress out of vigorous efforts and debate extending over a period of 2 years and culminating in the enactment of the Reorganization Act of 1939.

Therefore, bearing in mind what the future demands of all of us, I earnestly ask the Congress to enact legislation along the foregoing lines without delay.

HARRY S. TRUMAN.

THE WHITE HOUSE, *May 24, 1945.*

79TH CONGRESS
1ST SESSION

H. R. 3325

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 1945

Mr. MANASCO introduced the following bill; which was referred to the Committee on Expenditures in the Executive Departments

A BILL

To provide for reorganizing agencies of the Government, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Reorganization Act of
4 1945".

5 SEC. 2. The President shall investigate the organiza-
6 tion of all agencies of the Government and shall determine
7 what changes therein are necessary to accomplish the follow-
8 ing purposes:

- 9 (1) To reduce expenditures to the fullest extent con-
10 sistent with the efficient operation of the Government;
11 (2) To increase the efficiency of the operations of the

1 Government to the fullest extent practicable within the
2 revenues;

3 (3) To group, coordinate, and consolidate agencies of
4 the Government, as nearly as may be, according to major
5 purposes;

6 (4) To reduce the number of agencies by consolidating
7 those having similar functions under a single head, and to
8 abolish such agencies as may not be necessary for the effi-
9 cient conduct of the Government; and

10 (5) To eliminate overlapping and duplication of effort.

11 SEC. 3. When used in this Act, the term "agency"
12 means any executive department, commission, independent
13 establishment, corporation owned or controlled by the United
14 States, board, bureau, division, service, office, authority, or
15 administration, in the executive branch of the Government.

16 SEC. 4. No reorganization plan under section 5 shall
17 provide—

18 (a) For the abolition or transfer of an executive de-
19 partment or all the functions thereof or for the establishment
20 of any new executive department;

21 (b) In the case of the following agencies, for the trans-
22 fer, consolidation, or abolition of the whole or any part of
23 such agency or of its head, or of all or any of the functions
24 of such agency or of its head: Civil Service Commission,
25 Coast Guard, Engineer Corps of the United States Army,

1 Mississippi River Commission, Federal Communications
2 Commission, Federal Power Commission, Federal Trade
3 Commission, General Accounting Office, Interstate Com-
4 merce Commission, Securities and Exchange Commission,
5 The Tax Court of the United States, United States Em-
6 ployees' Compensation Commission, United States Maritime
7 Commission, United States Tariff Commission, Veterans'
8 Administration, National Mediation Board, National Rail-
9 road Adjustment Board, Railroad Retirement Board, the
10 Federal Deposit Insurance Corporation, the Board of Gov-
11 ernors of the Federal Reserve System, or Reconstruction
12 Finance Corporation; or

13 (c) For changing the name of any executive depart-
14 ment or the title of its head, or for designating any agency
15 as "Department" or its head as "Secretary"; or

16 (d) For the continuation of any agency beyond the
17 period authorized by law for the existence of such agency; or

18 (e) For the continuation of any function of any agency
19 beyond the period authorized by law for the exercise of such
20 function; or

21 (f) For authorizing any agency to exercise any function
22 which is not expressly authorized by law.

23 SEC. 5. Whenever the President, after investigation,
24 finds that—

25 (a) the transfer of the whole or any part of any

1 agency or the functions thereof to the jurisdiction and
2 control of any other agency; or

3 (b) the consolidation of the functions vested in
4 any agency; or

5 (c) the abolition of the whole or any part of any
6 agency which agency or part (by reason of transfers
7 under this Act or otherwise, or by reason of termina-
8 tion of its functions in any manner) does not have,
9 or upon the taking effect of the reorganizations specified
10 in the reorganization plan will not have, any functions,
11 is necessary to accomplish one or more of the purposes of
12 section 2, he shall—

13 (d) prepare a reorganization plan for the making
14 of the transfers, consolidations, and abolitions, as to
15 which he has made findings and which he includes in
16 the plan. Such plan shall also—

17 (1) designate, in such cases as he deems neces-
18 sary, the name of any agency affected by a re-
19 organization and the title of its head;

20 (2) make provision for the transfer or other
21 disposition of the records, property (including office
22 equipment), and personnel affected by such transfer,
23 consolidation, or abolition;

24 (3) make provision for the transfer of such un-

1 expended balances of appropriations available for
2 use in connection with the function or agency trans-
3 ferred or consolidated, as he deems necessary by
4 reason of the transfer or consolidation for use in
5 connection with the transferred or consolidated func-
6 tions, or for the use of the agency to which the
7 transfer is made, but such unexpended balances so
8 transferred shall be used only for the purposes for
9 which such appropriation is originally made;

10 (4) make provision for winding up the affairs
11 of the agency abolished; and

12 (e) transmit such plan (bearing an identifying
13 number) to the Congress, together with a declaration
14 that, with respect to each transfer, consolidation, or
15 abolition referred to in paragraph (a), (b), or (c) of
16 this section and specified in the plan, he has found that
17 such transfer, consolidation, or abolition is necessary to
18 accomplish one or more of the purposes of section 2.

19 The delivery to both Houses shall be on the same day
20 and shall be made to each House while it is in session.

21 The President, in his message transmitting a reorganiza-
22 tion plan, shall state the reduction of expenditures which
23 it is probable will be brought about by the taking effect of
24 the reorganizations specified in the plan.

1 SEC. 6. The reorganizations specified in the plan shall
2 take effect in accordance with the plan:

3 (a) Upon the expiration of sixty calendar days after
4 the date on which the plan is transmitted to the Congress,
5 but only if during such sixty-day period there has not been
6 passed by either House of Congress a resolution stating in
7 substance that such House does not favor the reorganization
8 plan.

9 (b) If the Congress adjourns sine die before the
10 expiration of the sixty-day period, a new sixty-day period
11 shall begin on the opening day of the next succeeding
12 regular or special session. A similar rule shall be applicable
13 in the case of subsequent adjournments sine die before the
14 expiration of sixty days.

15 SEC. 7. No reorganization under this Act shall have
16 the effect—

17 (a) of continuing any agency or function beyond
18 the time when it would have terminated if the reorgani-
19 zation had not been made; or

20 (b) of continuing any function beyond the time
21 when the agency in which it was vested before the re-
22 organization would have terminated if the reorganization
23 had not been made; or

24 (c) of authorizing any agency to exercise any
25 function which is not expressly authorized by law.

1 SEC. 8. For the purposes of this Act any transfer, con-
2 solidation, abolition, designation, disposition, or winding up
3 of affairs, referred to in section 5 (d), shall be deemed a
4 “reorganization”.

5 SEC. 9. (a) All orders, rules, regulations, permits, or
6 other privileges made, issued, or granted by or in respect
7 of any agency or function transferred to, or consolidated
8 with, any other agency or function under the provisions of
9 this Act, and in effect at the time of the transfer or consoli-
10 dation, shall continue in effect to the same extent as if such
11 transfer or consolidation had not occurred, until modified,
12 superseded, or repealed.

13 (b) No suit, action, or other proceeding lawfully com-
14 menced by or against the head of any agency or other officer
15 of the United States, in his official capacity or in relation
16 to the discharge of his official duties, shall abate by reason
17 of any transfer of authority, power, and duties from one
18 officer or agency of the Government to another under the
19 provisions of this Act, but the court, on motion or supple-
20 mental petition filed at any time within twelve months
21 after such transfer takes effect, showing a necessity for a
22 survival of such suit, action, or other proceeding to obtain
23 a settlement of the questions involved, may allow the same
24 to be maintained by or against the head of the agency or

1 other officer of the United States to whom the authority,
2 powers, and duties are transferred.

3 (c) All laws relating to any agency or function trans-
4 ferred to, or consolidated with, any other agency or function
5 under the provisions of this Act, shall, insofar as such laws
6 are not inapplicable, remain in full force and effect.

7 SEC. 10. The appropriations or portions of appropria-
8 tions unexpended by reason of the operation of this Act
9 shall not be used for any purpose, but shall be impounded
10 and returned to the Treasury.

11 SEC. 11. (a) Whenever the employment of any person
12 is terminated by a reduction of personnel as a result of a
13 reorganization effected under this Act, such person shall
14 thereafter be given preference, when qualified, whenever
15 an appointment is made in the executive branch of the
16 Government, but such preference shall not be effective for
17 a period longer than twelve months from the date the em-
18 ployment of such person is so terminated.

19 (b) Any transfer of personnel under this Act shall be
20 without change in classification or compensation, except
21 that this requirement shall not operate after the end of the
22 fiscal year during which the transfer is made to prevent the
23 adjustment of classification or compensation to conform to
24 the duties to which such transferred personnel may be
25 assigned.

1 SEC. 12. If the reorganizations specified in a reor-
2 ganization plan take effect, the reorganization plan shall be
3 printed in the Statutes at Large in the same volume as the
4 public laws, and shall be printed in the Federal Register.

5 SEC. 13. Title I of the First War Powers Act, 1941,
6 is repealed.

A BILL

To provide for reorganizing agencies of the Government, and for other purposes.

By Mr. MANASCO

MAY 26, 1945

Referred to the Committee on Expenditures in the Executive Departments

79TH CONGRESS
1ST SESSION

S. 1120

IN THE SENATE OF THE UNITED STATES

JUNE 7 (legislative day, JUNE 4), 1945

Mr. OVERTON (for Mr. McCARRAN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for the reorganization of Government agencies and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Reorganization Act of
4 1945".

5 SEC. 2. (a) The President shall investigate the organ-
6 ization of all agencies of the Government and shall determine
7 what changes therein are necessary to—

8 (1) reduce expenditures to the fullest extent con-
9 sistent with the efficient operation of the Government;

10 (2) increase the efficiency of the operations of the
11 Government to the fullest extent practicable;

1 (3) group, coordinate, and consolidate agencies and
2 functions of the Government, as nearly as may be, accord-
3 ing to major purposes;

4 (4) reduce the number of agencies by consolidating
5 those having similar functions under a single head, and by
6 abolishing such agencies as may not be necessary for the
7 efficient conduct of the Government;

8 (5) eliminate overlapping and duplication of effort;
9 and

10 (6) promote better execution of the legislative
11 policy and otherwise expedite the public business.

12 (b) The Congress declares that the public interest
13 demands the carrying out of the purposes specified in sub-
14 section (a) and that such purposes may be accomplished in
15 great measure by proceeding immediately under the pro-
16 visions of this Act, and can be accomplished more speedily
17 thereby than by the enactment of specific legislation.

18 SEC. 3. No reorganization plan under section 4 shall
19 provide for, and no reorganization under this Act shall have
20 the effect of—

21 (a) continuing any agency beyond the period
22 authorized by law for its existence or beyond the time
23 when it would have terminated if the reorganization
24 had not been made; or

25 (b) continuing any function beyond the period

1 authorized by law for its exercise, or beyond the time
2 when it would have terminated if the reorganization
3 had not been made, or beyond the time when the agency
4 in which it was vested before the reorganization would
5 have terminated if the reorganization had not been
6 made; or

7 (c) authorizing any function which may not legally
8 be exercised at the time the plan is transmitted to the
9 Congress; or

10 (d) transferring to any other agency any exe-
11 cutive department or the municipal government of the
12 District of Columbia or all the functions thereof; or

13 (e) consolidating with any executive department
14 any other executive department or the municipal gov-
15 ernment of the District of Columbia or all the functions
16 thereof; or

17 (f) abolishing any executive department or the
18 municipal government of the District of Columbia.

19 SEC. 4. Whenever the President, after investigation,
20 finds that—

21 (a) the transfer of the whole or any part of any
22 agency or the functions thereof to the jurisdiction and
23 control of any other agency; or

24 (b) the consolidation or coordination of the whole
25 or any part of any agency or the functions thereof with

1 the whole or any part of any other agency or the func-
2 tions thereof; or

3 (c) the consolidation or coordination of any part
4 of any agency or the functions thereof with any other
5 part of the same agency or the functions thereof; or

6 (d) the utilization by any agency of the whole or
7 any part of any other agency or of the facilities, services,
8 authority, or personnel thereof; or

9 (e) the authorization of any officer to delegate any
10 of his functions; or

11 (f) any other measure relating to the organization
12 or administration of any agency; or

13 (g) the abolition of the whole or any part of any
14 agency which agency or part (by reason of reorganiza-
15 tions under this Act or otherwise, or by reason of termi-
16 nation of its functions in any manner) does not have,
17 or upon the taking effect of the reorganizations specified
18 in the reorganization plan will not have, any functions,
19 is necessary to accomplish one or more of the purposes
20 of section 2 (a), he shall—

21 (h) prepare a reorganization plan for the making
22 of any changes as to which he has made findings here-
23 under. Such plan shall also provide for—

24 (1) the transfer or other disposition of the

1 records, property, and personnel affected by such
2 reorganization;

3 (2) the determination of the funds to be trans-
4 ferred from the unexpended balances of appropria-
5 tions available for use in connection with any
6 agency reorganized, and the transfer of such funds,
7 but the amounts so transferred shall be expended
8 only for the purposes for which the appropriation is
9 originally made and any appropriations or portions
10 of appropriations unexpended by reason of the
11 operation of this Act shall not be used for any
12 purpose but shall be impounded and returned to
13 the Treasury;

14 (3) the winding up of the affairs of any
15 agency abolished.

16 Such plan may also, in such cases as he deems neces-
17 sary—

18 (4) designate the name of any agency affected
19 by a reorganization;

20 (5) make provision for such further measures
21 as he deems necessary in order to facilitate adminis-
22 tration with respect to any agency affected by a
23 reorganization, including provision for the appoint-

1 ment, compensation, and duties of the head or any
2 other officer of such agency; and

3 (i) transmit such plan (bearing an identifying
4 number) to the Congress, together with a declaration
5 that, with respect to each reorganization specified in
6 the plan, he has found that such reorganization is nec-
7 essary to accomplish one or more of the purposes of
8 section 2 (a). The delivery to both Houses shall
9 be on the same day and shall be made to each House
10 while it is in session.

11 SEC. 5. (a) The reorganization specified in the plan
12 shall take effect, in accordance with the plan, upon the
13 expiration of sixty calendar days after the date on which the
14 plan is transmitted to the Congress, but only if during such
15 sixty-day period there has not been passed by the two
16 Houses a concurrent resolution stating in substance that
17 the Congress does not favor the reorganization plan: *Pro-*
18 *vided*, That if the Congress adjourns sine die before the
19 expiration of the sixty-day period, a new sixty-day period
20 shall begin on the opening day of the next succeeding regular
21 or special session; and a similar rule shall be applicable in
22 the case of subsequent adjournments sine die before the
23 expiration of sixty days. The provisions of part 2 of title I
24 of the Reorganization Act of 1939 (53 Stat. 564) shall be

1 applicable to any concurrent resolution that may be intro-
2 duced in either House in pursuance of this section.

3 (b) Any provision of the plan may, under provisions
4 contained in the plan, be made operative at a time later
5 than the date on which the plan shall otherwise take effect.

6 (c) If the reorganizations specified in a reorganization
7 plan take effect, the reorganization plan shall be printed
8 in the Federal Register and shall be printed in the Statutes
9 at Large in the same volume as the public laws.

10 SEC. 6. Whenever the employment of any person is
11 terminated by a reduction of personnel as a result of a
12 reorganization effected under this Act, such person, if he
13 served without time limitation, shall thereafter be given
14 preference, when qualified, and to the extent to which his
15 civil service status entitles him, whenever an appointment
16 is made in the executive branch of the Government, but
17 such preference shall not be effective for a period longer than
18 twelve months from the date the employment of such person
19 is so terminated.

20 SEC. 7. (a) All orders, rules, regulations, permits, or
21 other privileges made, issued, or granted by or in respect
22 of any agency or function reorganized under the provisions
23 of this Act and in effect at the time of the reorganization
24 shall continue in effect to the same extent as if such reor-

1 ganization had not occurred, until modified, superseded, or
2 repealed, except as otherwise provided in a reorganization
3 plan.

4 (b) No suit, action, or other proceeding lawfully com-
5 menced by or against the head of any agency or other
6 officer of the United States, in his official capacity or in
7 relation to the discharge of his official duties, shall abate
8 by reason of any reorganization under the provisions of this
9 Act, but the court may, on motion or supplemental petition
10 filed at any time within twelve months after such reorgan-
11 ization takes effect, showing a necessity for a survival of
12 such suit, action, or other proceeding to obtain a settlement
13 of the questions involved, allow the same to be maintained
14 by or against the successor of such officer under the reorgan-
15 ization so effected.

16 (c) All laws relating to any agency or function reor-
17 ganized under the provisions of this Act, shall, insofar as
18 such laws are not inapplicable, remain in full force and effect
19 except as to any agency that may be abolished hereunder.

20 SEC. 8. When used in this Act—

21 (a) The term “agency” means any executive depart-
22 ment, commission, independent establishment, corporation
23 owned or controlled by the United States, board, bureau,
24 division, service, office, officer, authority, administration,
25 or other establishment in the executive branch of the Gov-

1 ernment, except the General Accounting Office, and means
2 also the municipal government of the District of Columbia.

3 (b) The term "reorganization" means any transfer,
4 consolidation, coordination, utilization, authorization, aboli-
5 tion, or other measure, referred to in paragraph (a), (b),
6 (c), (d), (e), (f), or (g) of section 4, together with,
7 as the case may be, any transfer, determination, or other
8 disposition referred to in paragraphs (h) (1) to (h) (5),
9 inclusive, of section 4.

10 SEC. 9. The second paragraph of section 5 of title I
11 of the First War Powers Act, 1941 (55 Stat. 838), being
12 the last sentence of the said title I, is hereby repealed.

79TH CONGRESS
1ST Session

S. 1120

A BILL

To provide for the reorganization of Government agencies, and for other purposes.

By Mr. McCARRAN

JUNE 7 (legislative day, JUNE 4), 1945

Read twice and referred to the Committee on the
Judiciary

H. R. 4129

SEPTEMBER 19, 1945

A BILL

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

4 SHORT TITLE

7 NEED FOR REORGANIZATIONS

8 SEC. 2. (a) The President shall investigate the organiza-
9 tion of all agencies of the Government and shall determine
10 what changes therein are necessary to accomplish the follow-
11 ing purposes:

(1) to reduce expenditures and promote economy,
to the fullest extent consistent with the efficient operation
of the Government;

4 (2) to increase the efficiency of the operations of
5 the Government to the fullest extent practicable within
6 the revenues;

7 (3) to group, coordinate, and consolidate agencies
8 and functions of the Government, as nearly as may be,
9 according to major purposes;

(4) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and

(5) to eliminate overlapping and duplication of effort.

(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding immediately under the provisions of this Act, and can be accomplished more speedily thereby than by the enactment of specific legislation.

23 REORGANIZATION PLANS

24 SEC. 3. Whenever the President, after investigation,
25 finds that—

(1) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency; or

(2) the abolition of all or any part of the functions of any agency; or

(3) the consolidation of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; or

(4) the consolidation of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

(5) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reorganizations specified in the reorganization plan will not have, any functions,

is necessary to accomplish one or more of the purposes of section 2 (a), he shall prepare a reorganization plan for the making of the transfers, consolidations, and abolitions, as to which he has made findings and which he includes in the plan, and transmit such plan (bearing an identifying number) to the Congress, together with a declaration that, with respect to each transfer, consolidation, or abolition referred to in paragraph (1), (2), (3), (4), or (5) of this

1 section and specified in the plan, he has found that such trans-
2 fer, consolidation, or abolition is necessary to accomplish one
3 or more of the purposes of section 2 (a). The delivery to
4 both Houses shall be on the same day and shall be made
5 to each House while it is in session. The President, in his
6 message transmitting a reorganization plan, shall (i) state,
7 to such extent as he deems practicable, approximately the
8 reduction of expenditures, if any, which it is probable will be
9 brought about by the taking effect of the reorganizations
10 specified in the plan, and (ii) specify with respect to each
11 abolition of functions specified in the plan the statutory
12 authority for the exercise of such function.

13 OTHER CONTENTS OF PLANS

14 SEC. 4. Any reorganization plan transmitted by the
15 President under section 3—

16 (1) shall designate, in such cases as he deems neces-
17 sary, the name of any agency affected by a reorganiza-
18 tion and the title of its head;

19 (2) may include provisions for the appointment
20 and compensation of the head and one or more
21 assistant heads of any agency (including an agency
22 resulting from a consolidation) if the President
23 finds, and in his message transmitting the plan
24 declares, that by reason of transfers and consolida-
25 tions made by the plan, the responsibilities and duties

of such head are of such nature as to require such action.

In the case of any such appointment the term of office shall not be fixed at more than four years, the compensation shall not be at a rate in excess of \$12,000 per annum, and, if the compensation is at a rate in excess of the highest per annum rate which, without specific authorization or appropriation therefor, can be assigned to any position under the Classification Act of 1923, as amended, the appointment shall be by the President, by and with the advice and consent of the Senate;

(3) shall make provision for the transfer or other disposition of the records, property (including office equipment), and personnel affected by such transfer, consolidation, or abolition;

(4) shall make provision for the transfer of such unexpended balances of appropriations available for use in connection with the function or agency transferred or consolidated, as he deems necessary by reason of the transfer or consolidation for use in connection with the transferred or consolidated functions, or for the use of the agency to which the transfer is made, but such unexpended balances so transferred shall be used only for the purposes for which such appropriation was originally made;

1 (5) shall make provision for winding up the affairs
2 of any agency abolished.

3 LIMITATIONS ON POWERS WITH RESPECT TO
4 REORGANIZATIONS

5 SEC. 5. (a) No reorganization plan shall provide for,
6 and no reorganization under this Act shall have the effect
7 of—

8 (1) abolishing or transferring an executive de-
9 partment or all the functions thereof or establishing any
10 new executive department; or

11 (2) changing the name of any executive depart-
12 ment or the title of its head, or designating any agency
13 as “Department” or its head as “Secretary”; or

14 (3) continuing any agency beyond the period au-
15 thorized by law for its existence or beyond the time
16 when it would have terminated if the reorganization
17 had not been made; or

18 (4) continuing any function beyond the period
19 authorized by law for its exercise, or beyond the time
20 when it would have terminated if the reorganization
21 had not been made, or beyond the time when the agency
22 in which it was vested before the reorganization would
23 have terminated if the reorganization had not been
24 made; or

1 (5) authorizing any agency to exercise any func-
2 tion which is not expressly authorized by law.

3 (b) No reorganization plan shall provide for any
4 reorganization affecting any agency named below in this
5 subsection; except that this prohibition shall not apply to
6 the transfer to such agency of the whole or any part of, or
7 the whole or any part of the functions of, any agency not
8 so named. No reorganization contained in any reorganiza-
9 tion plan shall take effect if the reorganization plan is in
10 violation of this subsection. The agencies above referred
11 to in this subsection are as follows: Interstate Commerce
12 Commission, Federal Trade Commission, and Securities and
13 Exchange Commission.

14 (c) No reorganization plan shall provide for a re-
15 organization affecting any agency named below in this sub-
16 section if it also provides for a reorganization which does not
17 affect such agency; except that this prohibition shall not
18 apply to the transfer to such agency of the whole or any part
19 of, or the whole or any part of the functions of, any
20 agency not so named. No reorganization contained in
21 any reorganization plan shall take effect if the reorganiza-
22 tion plan is in violation of this subsection. The agencies
23 above referred to in this subsection are as follows: Civil
24 Service Commission, Federal Communications Commission,

1 United States Tariff Commission, and Veterans' Admin-
2 istration.

3 (d) No reorganization plan shall provide for any re-
4 organization which abolishes any civil function of the Engi-
5 neer Corps of the United States Army, or of its head, or
6 which vests any such civil function in any agency which is
7 not within the control and jurisdiction of the Department
8 of War, if such reorganization plan also provides for any
9 reorganization not referred to above in this subsection; but
10 this prohibition shall not apply to the transfer to such Corps
11 of the whole or any part of, or the whole or any part of
12 the functions of, any other agency. No reorganization con-
13 tained in any reorganization plan shall take effect if the
14 reorganization plan is in violation of this subsection.

15 (e) No reorganization specified in a reorganization
16 plan shall take effect unless the plan is transmitted to the
17 Congress before July 1, 1948.

18 TAKING EFFECT OF REORGANIZATIONS

19 SEC. 6. (a) The reorganizations specified in the plan
20 shall take effect in accordance with the plan upon the
21 expiration of the first period of sixty calendar days, of con-
22 tinuous session of the Congress, following the date on which
23 the plan is transmitted to it; but only if, between the date
24 of transmittal and the expiration of such sixty-day period
25 there has not been passed by the two Houses a concurrent

1 resolution stating in substance that the Congress does not
2 favor the reorganization plan.

3 (b) For the purposes of subsection (a) —

4 (1) continuity of session shall be considered as
5 broken only by an adjournment of the Congress sine
6 die; but

7 (2) in the computation of the sixty-day period
8 there shall be excluded the days on which either House
9 is not in session because of an adjournment of more
10 than three days to a day certain; except that if a resolu-
11 tion (as defined in section 102) with respect to such
12 reorganization plan has been passed by one House and
13 sent to the other, no exclusion under this paragraph shall
14 be made by reason of adjournments of the first House
15 taken thereafter.

16 DEFINITION OF “AGENCY”

17 SEC. 7. When used in this Act, the term “agency”
18 means any executive department, commission, independent
19 establishment, corporation wholly or partly owned by the
20 United States which is an instrumentality of the United
21 States, board, bureau, division, service, office, officer, author-
22 ity, or administration, in the executive branch of the Gov-
23 ernment. Such term does not include the Comptroller
24 General of the United States or the General Accounting

1 Office, which are a part of the legislative branch of the
2 Government.

3 MATTERS DEEMED TO BE REORGANIZATIONS

4 SEC. 8. For the purposes of this Act any transfer, con-
5 solidation, abolition, designation, disposition, or winding up
6 of affairs, or provision for the appointment and compensation
7 of the head or assistant heads of an agency, referred to in
8 section 3 or 4, shall be deemed a "reorganization".

9 SAVING PROVISIONS

10 SEC. 9. (a) (1) Any statute enacted, and any regula-
11 tion or other action made, prescribed, issued, granted, or
12 performed, in respect of or by any agency or function trans-
13 ferred to or consolidated with any other agency or function
14 under the provisions of this Act, before the effective date of
15 such transfer or consolidation, shall, except to the extent
16 rescinded, modified, superseded, or made inapplicable by or
17 under authority of law, have the same effect as if such trans-
18 fer or consolidation had not been made; but where any such
19 statute, regulation, or other action has vested functions in
20 the agency from which the transfer is made under the plan,
21 such functions shall, insofar as they are to be exercised after
22 the transfer, be considered as vested in the agency to which
23 the transfer is made under the plan.

24 (2) As used in paragraph (1) of this subsection the
25 term "regulation or other action" means any regulation, rule,

1 order, policy, determination, directive, authorization, permit,
2 privilege, requirement, designation, or other action.

3 (b) No suit, action, or other proceeding lawfully com-
4 menced by or against the head of any agency or other officer
5 of the United States, in his official capacity or in relation
6 to the discharge of his official duties, shall abate by reason
7 of any transfer of authority, power, and duties from one
8 officer or agency of the Government to another under the
9 provisions of this Act, but the court, on motion or supple-
10 mental petition filed at any time within twelve months
11 after such transfer takes effect, showing a necessity for a
12 survival of such suit, action, or other proceeding to obtain
13 a settlement of the questions involved, shall allow the same
14 to be maintained by or against the head of the agency or
15 other officer of the United States to whom the authority,
16 powers, and duties are transferred.

17 UNEXPENDED APPROPRIATIONS

18 SEC. 10. The appropriations or portions of appropria-
19 tions unexpended by reason of the operation of this Act
20 shall not be used for any purpose, but shall be impounded
21 and returned to the Treasury.

22 PRINTING OF REORGANIZATION PLANS

23 SEC. 11. If the reorganizations specified in a reor-
24 ganization plan take effect, the reorganization plan shall be

1 printed in the Statutes at Large in the same volume as the
2 public laws, and shall be printed in the Federal Register.

3 TITLE II

4 SEC. 101. The following sections of this title are enacted
5 by the Congress:

6 (a) As an exercise of the rule-making power of the
7 Senate and the House of Representatives, respectively, and
8 as such they shall be considered as part of the rules of each
9 House, respectively, but applicable only with respect to
10 the procedure to be followed in such House in the case of
11 resolutions (as defined in section 102) ; and such rules shall
12 supersede other rules only to the extent that they are incon-
13 sistent therewith; and

14 (b) With full recognition of the constitutional right of
15 either House to change such rules (so far as relating to the
16 procedure in such House) at any time, in the same manner
17 and to the same extent as in the case of any other rule of
18 such House.

19 SEC. 102. As used in this title, the term "resolution"
20 means only a concurrent resolution of the two Houses of
21 Congress, the matter after the resolving clause of which
22 is as follows: "That the Congress does not favor the re-
23 organization plan numbered transmitted to Congress
24 by the President on , 19 .", the blank
25 spaces therein being appropriately filled; and does not include

1 a concurrent resolution which specifies more than one re-
2 organization plan.

3 SEC. 103. A resolution with respect to a reorganization
4 plan shall be referred to a committee (and all resolutions
5 with respect to the same plan shall be referred to the same
6 committee) by the President of the Senate or the Speaker
7 of the House of Representatives, as the case may be.

8 SEC. 104. (a) If the committee to which has been re-
9 ferred a resolution with respect to a reorganization plan
10 has not reported it before the expiration of ten calendar days
11 after its introduction (or, in the case of a resolution received
12 from the other House, ten calendar days after its receipt),
13 it shall then (but not before) be in order to move either to
14 discharge the committee from further consideration of such
15 resolution, or to discharge the committee from further con-
16 sideration of any other resolution with respect to such
17 reorganization plan which has been referred to the committee.

18 (b) Such motion may be made only by a person favor-
19 ing the resolution, shall be highly privileged (except that it
20 may not be made after the committee has reported a resolu-
21 tion with respect to the same reorganization plan), and de-
22 bate thereon shall be limited to not to exceed one hour, to be
23 equally divided between those favoring and those opposing
24 the resolution. No amendment to such motion shall be in

1 order, and it shall not be in order to move to reconsider the
2 vote by which such motion is agreed to or disagreed to.

3 (c) If the motion to discharge is agreed to or disagreed
4 to, such motion may not be renewed, nor may another mo-
5 tion to discharge the committee be made with respect to any
6 other resolution with respect to the same reorganization plan.

7 SEC. 105. (a) When the committee has reported, or
8 has been discharged from further consideration of, a resolution
9 with respect to a reorganization plan, it shall at any time
10 thereafter be in order (even though a previous motion to the
11 same effect has been disagreed to) to move to proceed to the
12 consideration of such resolution. Such motion shall be highly
13 privileged and shall not be debatable. No amendment to
14 such motion shall be in order and it shall not be in order to
15 move to reconsider the vote by which such motion is agreed
16 to or disagreed to.

17 (b) Debate on the resolution shall be limited to not to
18 exceed ten hours, which shall be equally divided between
19 those favoring and those opposing the resolution. A motion
20 further to limit debate shall not be debatable. No amend-
21 ment to, or motion to recommit, the resolution shall be in
22 order, and it shall not be in order to move to reconsider
23 the vote by which the resolution is agreed to or disagreed to.

24 SEC. 106. (a) All motions to postpone, made with
25 respect to the discharge from committee, or the consideration

1 of, a resolution with respect to a reorganization plan, and
2 all motions to proceed to the consideration of other business,
3 shall be decided without debate.

4 (b) All appeals from the decisions of the Chair relating
5 to the application of the rules of the Senate or the House of
6 Representatives, as the case may be, to the procedure re-
7 lating to a resolution with respect to a reorganization plan
8 shall be decided without debate.

9 SEC. 107. If, prior to the passage by one House of a
10 resolution of that House with respect to a reorganization
11 plan, such House receives from the other House a resolution
12 with respect to the same plan, then—

13 (a) If no resolution of the first House with respect to
14 such plan has been referred to committee, no other resolution
15 with respect to the same plan may be reported or (despite
16 the provisions of section 104 (a)) be made the subject of a
17 motion to discharge.

18 (b) If a resolution of the first House with respect to
19 such plan has been referred to committee—

20 (1) the procedure with respect to that or other
21 resolutions of such House with respect to such plan
22 which have been referred to committee shall be the
23 same as if no resolution from the other House with re-
24 spect to such plan had been received; but

25 (2) on any vote on final passage of a resolution

1 of the first House with respect to such plan the resolution
2 from the other House with respect to such plan shall be
3 automatically substituted for the resolution of the first
4 House.

79TH CONGRESS
1ST SESSION

H. R. 4129

A BILL

To provide for reorganizing agencies of the
Government, and for other purposes.

By Mr. MANASCO

SEPTEMBER 19, 1945

Referred to the Committee on Expenditures in the
Executive Departments

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued September 21, 1945, for actions of Thursday, September 20, 1945)

(For staff of the Department only)

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HIGHLIGHTS: Sen. Downey introduced bill to increase Federal salaries by 20%. Sen. Capehart criticized OPA price-fixing policies. Sen. Bilbo commended the regional research laboratories. Senate passed unemployment-compensation and daylight-saving time bills. Senate gave committee permission to report full-employment bill during recess. House committee reported revised reorganization bill. Rep. Rees introduced measure to investigate sugar situation.

HOUSE

1. GOVERNMENT REORGANIZATION. Expenditures in the Executive Departments Committee reported without amendment H.R. 4129, which authorizes the abolition of functions requires the President to estimate the savings which would result from each plan; prohibits the abolition, transfer, establishment, or change in name of any executive department; limits the legislation to July 1, 1948; provides for veto by both Houses rather than one; prohibits inclusion of the Civil Service Commission, the Federal Communications Commission, the Tariff Commission, the Veterans' Administration, and the Army Engineer Corps in any reorganization plan which also includes other agencies; and exempts from reorganization the Interstate Commerce Commission, Federal Trade Commission, Securities and Exchange Commission, and the General Accounting Office (H. Rept. 971) (p. 9022).
2. TRANSPORTATION; PUBLIC LANDS. Agreed to a resolution to provide for the consideration of H. J. Res. 225, to quiet titles to lands beneath tidewaters and navigable waters and prevent further clouding of such titles (pp. 8983-9015).
3. ADJOURNED until Mon., Sept. 24, 1945 (p. 9020).

SENATE

4. UNEMPLOYMENT COMPENSATION. Passed without amendments S. 1274, the unemployment compensation bill, which provides for supplementing State unemployment-benefits programs up to 26-week periods, compensation to Federal employees, and travel allowances of \$200 or less to transport any person subject to this bill to his home or place of new employment (pp. 8947-54, 8958-9, 8961-74).
Sen. Guffey, Pa., submitted the minority views (S.Rept. 565, pt. 2) (p. 8944).

5. RESEARCH. Sen. Bilbo, Miss., commended the work of the regional research laboratories particularly with reference to cotton (pp. 8959-61).
6. PRICE CONTROL. Sen. Capehart, Ind., stated that OPA price-fixing policies retard reconversion and urged consideration of S.Res.153, by himself and Sen. Tydings, to investigate the policies of OPA and OCS Stabilization in fixing prices for civilian merchandise (pp. 8954-8).
7. DAYLIGHT-SAVING TIME. Passed without amendment H.R. 3974, terminating daylight-saving time Sept. 30, 1945 (p. 8974). This bill will now be sent to the President.
8. FULL-EMPLOYMENT BILL. Sen. Wagner, N.Y., was granted permission to file the committee report on the full-employment bill during recess (pp. 8974-5).
9. ADJOURNED until Mon., Sept. 24 (p. 8981).

BILLS INTRODUCED

10. PERSONNEL; COMPENSATION. S. 1415, by Sen. Downey, Calif., to increase by 20% the rates of compensation of Federal employees. To Civil Service Committee. (p. 8944.)
11. MARKETING; PRICES. S. 1417, by Sen. Saltonstall, Mass., to protect trade-mark owners, producers, distributors, and the general public in the DC against injurious and uneconomic practices in the distribution of competitive commodities bearing a distinguishing trade-name, brand, or name, through the use of voluntary contracts establishing minimum resale prices and providing for refusal to sell unless such minimum resale prices are observed. To DC Committee. (p. 8944.)
12. LABOR. S. 1419, by Sen. McMahon, Conn., (for himself and Sens. Hayden, Ariz., Thomas, Utah, and Tunnell, Del.), to protect interstate and foreign commerce by providing means for the prompt and orderly settlement of controversies between employers and employees. To Education and Labor Committee. Remarks of author. (pp. 8944-6.)
13. SUGAR INVESTIGATION. H.Res. 354, by Rep. Rees, Kans., authorizing an investigation of the diversion of sugar to brewers. To Rules Committee. (p. 9022.) Remarks of author (pp. 9020-1).

ITEMS IN APPENDIX

14. FULL EMPLOYMENT. Speech in the House by Rep. Savage, Wash., favoring the full-employment bill (p. A4290).
Sen. LaFollette, Wis., inserted a Madison Capital-Times (Wis.) editorial favoring full-employment legislation and just wages (p. A4288).
Rep. Hook, Mich., inserted his radio address favoring full-employment and an adequate wage rate (pp. A4292-3).
15. FOREIGN TRADE. Extension of remarks of Rep. Celler, N.Y., opposing the British trade policy (pp. A4284-5).
16. WELFARE DEPARTMENT. Extension of remarks of Rep. Kelley, Pa., favoring a welfare Department and including a Washington Post editorial on the subject (pp. A4290-1).

ing system, and my attention has been directed particularly to an acute situation that has arisen during the summer and fall of this year when the need for sugar for canning has become more acute. According to an editorial in *Brewers' Journal* for July 1945, 34 brewers in this country consumed 184,690 pounds of rationed sugar. This editorial further states that brewers used approximately 2,209,200 pounds of rationed sugar annually. This, of course, is rationed sugar.

During July 1945, according to a Treasury Department statement, the breweries used 23,767,325 pounds of sugar and sugar sirups. These figures do not include, of course, corn sugar used from 92,842,000 pounds of corn and corn products consumed during the same month of July this year.

By way of comparison, sugar and sugar sirups, according to this report, consumed in July 1944 was 18,022,000 pounds and corn and corn products was 81,008,000 pounds. These tables also show an increase of 25 percent in the use of sugar and sirups as well as corn and corn products by the brewers of this country.

On examination of these reports by the brewers and by the Department of Agriculture, 2,209,200 pounds of rationed sugar is used annually, but according to the Treasury Department's tables approximately 285,000,000 pounds of sugar and sugar sirups is consumed annually by the brewers of this country, making a total of 287,207,000 pounds of sugar and sugar sirups used by the brewers.

Think, if you will, the amount of fruits and other food products that could have been preserved by the people of this country and for those with whom we may want to share abroad if that sugar supply or even a good percent of it could have been used for food and food products on the family table.

According to figures submitted, the brewers will increase their output about 25 percent and the allocation of sugar for the family table will be reduced accordingly. The problem involved, in my opinion, is whether the American people want more sugar on the family table or whether it is to be consumed by the breweries.

FASCISM

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PATTERSON. Mr. Speaker, we have learned many things in this war. We have seen fascism grow from beer hall to international proportions. It crept into every corner of the world. In America, fascism became silent after Pearl Harbor. The first phase of this job was done. The Fascists were driven underground during the war.

Gerald L. K. Smith was one who spewed venom in Detroit against minorities; we had the Detroit riot. Similar riots occurred across the country, causing some disruption of war production and disunity throughout the land. Now,

after the war, the same evil tactics of disunity are at work. If we fail to speak out now, disunity and fascism may sweep the United States.

The American Nazi, Gerald L. K. Smith, who styles himself a Nationalist, as Hitler did, has announced that he intends "to take over in November." The methods by which Hitler achieved power in Germany are being used by Gerald L. K. Smith. The same kind of hate-baiting of Jews, Negroes, Catholics, and other minority groups is the same technique that Hitler used. He intends to originate an investigation of the motion-picture industry through the red-baiting tactics that Hitler resorted to.

Unity is what we desire in this great motion-picture industry. We all recognize that a smear of Hollywood is always good publicity. Much of the motion-picture industry is in the district which I represent. It is wrong to persecute this industry. I hope that all such attacks like this will be rescinded.

We in the Congress here are struggling with the problems brought about by the immediate closing of the war. We are struggling to bring orderly reconversion from war to peace. We are attempting to aid in full production, full employment, and a fuller life for all of our people. In order to bring this about, it is going to require the greatest amount of unity and orderly readjustment as possible. We hope to achieve these objectives in our Nation so that we will have prosperity at home and peace in the world. But if our people's minds are confused and twisted by vicious propaganda against religious, racial, and minority groups, it makes our task much more difficult. If we permit this to grow as Mr. Gerald L. K. Smith would have it, we will not have provided for the general welfare of our people, as is demanded by our Constitution; nor will we have aided our desire for a strong and proper democracy.

I hope that we Members of the Congress will see to it that the nature of the activities of Gerald L. K. Smith and his ilk will be exposed. We must prove to these demagogues that the American people are not the emotionally insecure Germans nor the superstitious Japanese who fell under the influence of fascism and its forces. We are equipped in the Congress to expose these Fascist forces in America, and I cannot see how we can fail if we do our duty in this regard. It is the duty of the Un-American Activities Committee to investigate the forces of fascism and disunity of this country, or any other forces that would bring about religious, racial, and national intolerance upon the part of our people. Freedom of speech, of press, of religion, and one's right to petition his Government are guaranteed to us under our Constitution, and this we do not wish to curtail in any way whatsoever.

I hope that the educational processes of our people are strong and rapid enough to conquer religious, racial, and national intolerance and bigotry. But, if the wheels of education move too slowly, then must not we pass laws preserving these cherished rights that our Constitution guarantees to us before we destroy ourselves through disunity? The

engines of destruction are so efficient, as indicated by late developments brought about in the war, that we must have unity on the part of our people at home and international understanding and good will so that we may have peace upon this earth. If we cannot achieve this, I fear another war which would almost destroy the human race.

Let us firmly resolve that we shall have unity, good will, and understanding with one another so that we can achieve the great objective of making democracy work in this Nation so that the nations of the world will adopt by choice our American democracy.

EXTENSION OF REMARKS

Mr. McDONOUGH asked and was given permission to extend his own remarks in the *RECORD* and include an article appearing in the *Saturday Evening Post* concerning the disposal of surplus property.

PERMISSION TO ADDRESS THE HOUSE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that on Tuesday, after the disposition of business on the Speaker's desk and other previous orders, I may address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. PLOESER (at the request of Mr. MARTIN of Massachusetts), on account of critical illness in his family.

SENATE ENROLLED BILL AND A JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to a bill and a joint resolution of the Senate of the following titles:

S. 374. An act to amend the act of October 29, 1919, entitled "An act to punish the transportation of stolen motor vehicles in interstate or foreign commerce"; and

S. J. Res. 78. An act to provide for designation of the Veterans' Administration Hospital at Crugers-on-Hudson, near Peekskill, N. Y., as "Franklin Delano Roosevelt Hospital."

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 26 minutes p. m.) under its previous order, the House adjourned until Monday, September 24, 1945, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(Friday, September 21, 1945)

There will be a meeting of the Committee on World War Veterans' Legislation, in executive session, on Friday, September 21, 1945, at 10 o'clock, a. m., in the committee room 356, Old House Office Building.

*COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

(Tuesday, September 25, 1945)

The Committee on Expenditures in the Executive Departments will hold a hearing at 10 o'clock a. m., on Tuesday, Sep-

September 25, 1945, on H. R. 2202, in room 362, Old House Office Building.

COMMITTEE ON THE MERCHANT MARINE
AND FISHERIES

(Thursday, September 27, 1945)

The Committee on the Merchant Marine and Fisheries will hold a public hearing Thursday, September 27, 1945, at 10 o'clock a. m., on H. R. 1751, to authorize the course of instruction at the United States Merchant Marine Academy to be given to not exceeding 20 persons at a time from the American Republics, other than the United States.

COMMITTEE ON INTERSTATE AND FOREIGN
COMMERCE

(Tuesday, October 9, 1945)

The Interstate and Foreign Commerce Committee, or a subcommittee thereof, will meet at 10 a. m., Tuesday, October 9, to begin hearings on H. R. 2536, the Bulwinkle bill.

Various groups who have representation in Washington will be heard during the first week, such as Members of Congress first, the Interstate Commerce Commission, the National Association of Railroad and Utilities Commissioners, Association of American Railroads, Railroad Traffic Organizations, railroad labor, and truck and bus associations.

The second week will be devoted to various State commissions, agricultural associations, National Industrial Traffic League and various citizens' traffic associations and traffic boards and chambers of commerce.

It is going to be necessary to limit the time for this hearing if possible. It is also desired to avoid any repetition in statements before the committee.

I would be pleased to have those who are intending to appear to advise me promptly the least amount of time they will need in which to present their testimony.

REPORTS OF COMMITTEES ON PUBLIC
BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 961. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 3636. A bill relating to the sale, in the District of Columbia, of certain small rockfish; without amendment (Rept. No. 967). Referred to the House Calendar.

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 3867. A bill to amend the Code of Laws for the District of Columbia with respect to the making and publishing of annual reports by trust companies; without amendment (Rept. No. 968). Referred to the House Calendar.

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 3868. A bill to provide that veterans may obtain copies of public records in the District of Columbia, without the payment of any fees, for use in presenting claims to the Veterans' Administration; without amendment (Rept. No. 969). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 3873. A bill to provide for the opening of a road within the boundaries of the District of Columbia Training School property in Anne Arundel County, Md.; without amendment (Rept. No. 970). Referred to the Committee of the Whole House on the State of the Union.

Mr. MANASCO: Committee on Expenditures in the Executive Departments. H. R. 4129. A bill to provide for reorganizing agencies of the Government, and for other purposes; without amendment (Rept. No. 971). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE
BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McGEHEE: Committee on Claims. S. 559. An act to amend the act entitled "An act to provide for reimbursement of officers, enlisted men, and others, in the naval service of the United States for property lost, damaged, or destroyed in such service," approved October 27, 1943, so as to make the provisions thereof effective with respect to losses occurring on or after October 31, 1941; without amendment (Rept. No. 962). Referred to the Committee of the Whole House on the State of the Union.

Mr. PITTINGER: Committee on Claims. H. R. 3095. A bill for the relief of Ellis Duke, also known as Elias Duke; with amendment (Rept. No. 963). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 3987. A bill for the relief of Myrtle C. Radabaugh; without amendment (Rept. No. 964). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 4018. A bill for the relief of Robert A. Hudson; with amendment (Rept. No. 965). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 4048. A bill to provide for an appeal to the Supreme Court of the United States from the decisions of the Court of Claims in two suits instituted by H. B. Nelson (doing business as the H. B. Nelson Construction Co.); without amendment (Rept. No. 966). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HENRY:

H. R. 4143. A bill to amend Revised Statutes 4921 (U. S. C. A., title 35, patents, sec. 70) providing that damages be ascertained on the basis of compensation for infringement,

as in actions for infringement in the United States Court of Claims; to the Committee on Patents.

By Mr. IZAC:

H. R. 4144. A bill to amend the Pay Readjustment Act of 1942, as amended; to the Committee on Military Affairs.

By Mr. MAY:

H. R. 4145. A bill to authorize payment for accumulated and accrued annual leave to persons whose civilian appointments were terminated pursuant to section 4 of the act of December 22, 1942 (56 Stat. 1073); to the Committee on Military Affairs.

By Mr. McGLINCHEY:

H. R. 4146. A bill to direct the discharge of fathers; to the Committee on Military Affairs.

By Mr. TRAYNOR:

H. R. 4147. A bill to establish a Chiropody (Podiatry) Corps in the Medical Corps of the United States Army; to the Committee on Military Affairs.

By Mr. DICKSTEIN:

H. R. 4148. A bill to amend the Nationality Act of 1940; to the Committee on Immigration and Naturalization.

H. R. 4149. A bill to provide for the establishment of lawful entry into the United States of certain aliens not subject to deportation who entered the United States prior to July 1, 1924; to the Committee on Immigration and Naturalization.

By Mr. CELLER:

H. R. 4150. A bill to amend the Contract Settlement Act of 1944 to provide severance pay for employees whose employment has terminated by reason of cancellation or termination of Government contracts resulting from the cessation of hostilities, and for other purposes; to the Committee on the Judiciary.

By Mr. STIGLER:

H. R. 4151. A bill to encourage the provision of useful public works, and for other related purposes; to the Committee on Public Buildings and Grounds.

By Mr. REES of Kansas:

H. Res. 354. Resolution authorizing an investigation of the diversion of sugar to brewers, and for other purposes; to the Committee on Rules.

By Mr. PRICE of Florida:

H. Res. 355. Resolution authorizing report on Army demobilization; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1176. By Mr. BARRETT of Wyoming: Petition of Ben. R. Simpers and 32 citizens of Park County, Wyo., in favor of H. R. 2000; to the Committee on the Judiciary.

1177. By Mr. LECOMPTE: Petition of Mrs. Claude A. Babb, What Cheer, Iowa, and other citizens of Thornburg and What Cheer, Iowa, urging that the draft be continued so that men now in service may be released; to the Committee on Military Affairs.

1178. By Mr. SHORT: Petition of Harley C. Rusk and other citizens of Jasper County, Mo., urging the passage of the Bryson bill, H. R. 2082; to the Committee on the Judiciary.

1179. Also, petition of C. S. Henry and other citizens of Joplin, Mo., favoring a 30-year-service retirement for rail workers; to the Committee on Interstate and Foreign Commerce.

REORGANIZATIONS IN EXECUTIVE BRANCH

SEPTEMBER 20, 1945.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MANASCO, from the Committee on Expenditures in the Executive Departments, submitted the following

REPORT

[To accompany H. R. 4129]

The Committee on Expenditures in the Executive Departments, to whom was referred the bill (H. R. 4129) to provide for reorganizing agencies of the Government, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

GENERAL STATEMENT

This committee believes that there is, and for some time past has been, general recognition of the need for reorganizations in the executive branch of the Government in the interest of greater efficiency and economy.

Attention was focused on this need by the following message transmitted to the Congress by the President on May 24, 1945:

To the Congress of the United States:

The Congress has repeatedly manifested interest in an orderly transition from war to peace. It has legislated extensively on the subject, with foresight and wisdom.

I wish to draw the attention of the Congress to one aspect of that transition for which adequate provision has not as yet been made. I refer to the conversion of the executive branch of the Government.

Immediately after the declaration of war the Congress, in title I of the First War Powers Act, 1941, empowered the President to make necessary adjustments in the organization of the executive branch with respect to those matters which relate to the conduct of the present war. This authority has been extremely valuable in furthering the prosecution of the war. It is difficult to conceive how the executive agencies could have been kept continuously attuned to the needs of the war without legislation of this type.

The First War Powers Act expires by its own terms 6 months after the termination of the present war. Pending that time, title I will be of very substantial further value in enabling the President to make such additional temporary improvements in the organization of the Government as are currently required for the more effective conduct of the war.

However, further legislative action is required in the near future, because the First War Powers Act is temporary, and because, as matters now stand, every step taken under title I will automatically revert, upon the termination of the title, to the preexisting status.

Such automatic reversion is not workable. I think that the Congress has recognized that fact, particularly in certain provisions of section 101 of the War Mobilization and Reconversion Act of 1944. In some instances it will be necessary to delay reversion beyond the period now provided by law, or to stay it permanently. In other instances it will be necessary to modify actions heretofore taken under title I and to continue the resulting arrangement beyond the date of expiration of the title. Automatic reversion will result in the reestablishment of some agencies that should not be reestablished. Some adjustments of a permanent character need to be made, as exemplified by the current proposal before the Congress with respect to the subsidiary corporations of the Reconstruction Finance Corporation. Some improvements heretofore made in the Government under the First War Powers Act, as exemplified by the reorganization of the Army under Executive Order No. 9082, should not be allowed to revert automatically or at an inopportune time.

I believe it is realized by everyone—in view of the very large number of matters involved and the expedition required in their disposition—that the problems I have mentioned will not be met satisfactorily unless the Congress provides for them along the general lines indicated in this message.

Quite aside from the disposition of the war organization of the Government, other adjustments need to be made currently and continuously in the Government establishment. From my experience in the Congress, and from a review of the pertinent developments for a period of 40 years preceding that experience, I know it to be a positive fact that, by and large, the Congress cannot deal effectively with numerous organizational problems on an individual-item basis. The Congressional Record is replete with expressions of Members of the Congress, themselves, to this effect. Yet is it imperative that these matters be dealt with continuously if the Government structure is to be reasonably wieldy and manageable, and be responsive to proper direction by Congress and the President on behalf of the people of this country. The question is one that goes directly to the adequacy and effectiveness of our Government as an instrument of democracy.

Suitable reshaping of those parts of the executive branch of the Government which require it from time to time is necessary and desirable from every point of view. A well-organized executive branch will be more efficient than a poorly organized one. It will help materially in making manageable the Government of this great Nation. A number of my predecessors have urged the Congress to take steps to make the executive branch more businesslike and efficient. I welcome and urge the cooperation of Congress to the end that these objectives may be attained.

Experience has demonstrated that if substantial progress is to be made in these regards, it must be done through action initiated or taken by the President. The results achieved under the Economy Act (1932), as amended, the Reorganization Act of 1939, and title I of the First War Powers Act, 1941, testify to the value of Presidential initiative in this field.

Congressional criticisms are heard, not infrequently, concerning deficiencies in the executive branch of the Government. I should be less than frank if I failed to point out that the Congress cannot consistently advance such criticisms and at the same time deny the President the means of removing the causes at the root of such criticisms.

Accordingly, I ask the Congress to enact legislation which will make it possible to do what we all know needs to be done continuously and expeditiously with respect to improving the organization of the executive branch of the Government. In order that the purposes which I have in mind may be understood, the following features are suggested: (a) The legislation should be generally similar to the Reorganization Act of 1939, and part 2 of title I of that act should be utilized intact; (b) the legislation should be of permanent duration; (c) no agency of the executive branch should be exempted from the scope of the legislation; and (d) the legislation should be sufficiently broad and flexible to permit of any form of organizational adjustment, large or small, for which necessity may arise.

It is scarcely necessary to point out that under the foregoing arrangement (a) necessary action is facilitated because initiative is placed in the hands of the President, and (b) necessary control is reserved to the Congress since it may, by simple majority vote of the two Houses, nullify any action of the President which does not meet with its approval. I think, further, that the Congress recognizes that particular arrangement as its own creation, evolved within the Congress out of vigorous efforts and debate extending over a period of 2 years and culminating in the enactment of the Reorganization Act of 1939.

Therefore, bearing in mind what the future demands of all of us, I earnestly ask the Congress to enact legislation along the foregoing lines without delay.

HARRY S. TRUMAN.

THE WHITE HOUSE, May 24, 1945.

One method by which the need for reorganization might be met is the enactment of a series of acts of Congress. The responsibility is basically one of the Congress; therefore to proceed by ordinary legislative enactments would obviously be appropriate. The method has not proved workable, however, on any substantial scale. Administrative reorganization of the Government is not only a difficult and complicated task; it involves a great amount of detail. It cannot be accomplished without painstaking research, careful planning, and a comprehensive analysis of administrative problems and of the administrative implications of a proposed change. For example, an adjustment affecting one agency will often entail a whole series of questions as to the respective roles and functions of other agencies. The problem requires broad and detailed explorations, and comprehensive solutions which are consistent as a whole. Experience indicates that it is scarcely feasible for the Congress to do this entire job.

The alternative available to the Congress is to vest the job, or participation therein, in the President. There is considerable precedent for so doing. Aside from numerous limited delegations of responsibility of this character to the President by the Congress, this alternative method has been employed four times. The pertinent acts of Congress involve a varying range of coverage and varying methods of effecting reorganization.

The broadest precedent may be found in the act of March 3, 1933. This act covered the entire range of activities of the executive branch of the Government. It directed the President to undertake reorganization through Executive orders, which orders were required to lie before the Congress for a period of 60 days before becoming effective (but there was no express provision for disapproval by the Congress).

The President has been twice authorized—under the act of May 20, 1918, and under title I of the First War Powers Act, 1941—to effect temporary reorganizations of activities relating to the conduct of the war. In other respects these acts covered the entire executive branch of the Government. The steps taken by the President under these acts became operative immediately; that is, no provision was made for any form of review by the Congress.

The final method of accomplishing reorganization is illustrated by the Reorganization Act of 1939. This act covered the executive branch less 21 agencies, which group of agencies consisted largely of the various independent commissions. The keystone of this act was the method of joint legislative-executive participation in the bringing about of executive reorganization. Congress recognized that the nature of the objective was such as to make it advisable that it be accomplished by the President, but that at the same time the Congress retain final control by reserving the right to reject within a 60-day period by action of a majority of the two Houses of Congress any proposal submitted by the President under the act. A special procedure was provided whereby the opponents of any proposal of the President could bring to a vote, by the House or the Senate as the case might be, a concurrent resolution designed to disapprove such proposal.

Each of the four acts referred to above have their strong aspects, in point of the methods employed. The acts in force during the last

two wars permitted expedition, as they should. That is, the President could put into effect, without any delay whatever, such reorganization measures of temporary effect relating to the conduct of the war as he found necessary.

The 1933 act covered the entire executive branch of the Government and restricted the action of the President only to the extent that any action taken by him under the act would not become effective until such action had laid before the Congress for a period of 60 days.

All things considered, however, there can scarcely be doubt that the best of the above-discussed means for bringing about executive reorganization was the method embodied in the Reorganization Act of 1939.

The bill here reported provides a method, generally similar to that which was provided by the Reorganization Act of 1939, by which reorganizations may be made in the executive branch. It directs the President to make an investigation of executive agencies with a view to determining what changes are necessary to accomplish five named purposes. It authorizes the President to include in a "reorganization plan" the transfers, consolidations, and abolition of agencies and functions which he finds necessary to accomplish one or more of these named purposes. When the plan is transmitted to Congress the reorganizations specified in it take effect within a period of 60 days unless disapproved by concurrent resolution of both Houses of Congress. The details of what may be included and what may not be included in reorganization plans and the details as to the time of taking effect and the computation of the 60-day period are fully discussed hereinafter in this report.

The bill was introduced after careful study and consideration of the message of the President, of the bill H. R. 3325 and of the testimony presented at the hearings on that bill held by the committee early this month, and of the Reorganization Act of 1939 and the reorganization legislation of June 30, 1932, and March 3, 1933.

The committee feels that the bill here being reported provides for the most workable and satisfactory means for bringing about desirable reorganizations in the executive branch that has been proposed, and urges prompt and favorable action on it by the House.

TIME LIMIT ON POWER TO SUBMIT REORGANIZATION PLANS

The President, in his message, recommended that the reorganization legislation should be permanent, but the committee regards it as a salutary thing for any Executive wishing these powers to come from time to time to the Congress with his request, in order that the Congress may review and ask an accounting of what has been done before and may reconsider the extent and nature of the powers which it may feel justified in granting, in the light of the conditions then existing.

Furthermore, it seems to the committee that the need for reorganization is so urgent that delay in the transmittal of reorganization plans would be highly undesirable. The prompt formulation of the necessary plans would not be encouraged by the allowance of an unlimited time for their transmittal to Congress.

For the above reasons the committee has inserted in the bill section 5 (c) providing that no reorganization in a plan shall take effect unless the plan is transmitted to the Congress before July 1, 1948. It should be noted that, if the plan is so transmitted, the reorganizations will take effect at the end of the 60-day period provided in section 6, unless disapproved by concurrent resolution of Congress, and that the expiration of such 60-day period, due to sine die adjournments or adjournments of more than 3 days, may not occur until some time after July 1, 1948. Such reorganizations, if and when they do take effect, will, of course, be effective regardless of the date of the transmittal of the plan if the plan is transmitted before July 1, 1948.

DIFFERENCES BETWEEN THE BILL AND THE REORGANIZATION ACT OF
1939

While the bill is in general similar to the Reorganization Act of 1939, there are differences in the arrangement of its provisions, certain provisions have been modified for purposes of clarification, and other provisions deemed to be unnecessary have been omitted.

There are also substantive differences, decided upon by the committee, the more important of which are as follows:

(1) *Abolition of functions.*—The bill authorizes abolition of functions of executive agencies where the President finds that such functions are not necessary for the efficient conduct of the Government.

Reorganization of agencies, without abolition of unnecessary functions, is a mere token effort, if economy and the elimination of useless, outmoded, and overlapping activities are to be accomplished. No one needs to be shown that such activities exist in greater or lesser measure throughout the Government service, but to suppose that Congress by the ordinary legislative process can ferret out these parasitic growths is to belie the political experience of 100 years. What is here offered is only a delegation of the power to initiate the job with, at the same time, every necessary protection of the congressional duties and prerogatives. Your committee believes strongly that reorganization without this feature will be of small real value, and, that, equally, to hope that Congress can adopt any real reorganization in the form of ordinary legislation is visionary and unreal indeed.

) This power was contained in the bill which the House approved in 1939, but by a majority of one the Senate adopted an amendment which struck it out. The same power had been granted, previously, in the reorganization act which became law toward the end of President Hoover's administration, when in fact, the Executive order of the President was not subject to any veto by concurrent resolution of the Senate and the House, but became law, and any change in it would have required new legislation with the concurrence of the Executive or passage over his veto. The present bill grants the same power with respect to the abolition of functions, but the interests of Congress are protected by the provisions of the bill, applicable to this power as in the case of other powers, providing for a veto by concurrent resolution of the two Houses of Congress within 60 days and, what is more, by repeating (from the 1939 enactment) the iron-clad cloture rules which guarantee the opponents of any reorganization

proposal an absolute opportunity to debate and bring to a vote a resolution of disapproval.

(2) *Exempted agencies.*—There is a substantial difference with respect to the exemption of agencies from the operation of the legislation. The Reorganization Act of 1939 provided for the exemption of 21 named agencies. Your committee believes that any such widespread exemptions can only operate to limit severely the usefulness of the legislation, and that no exemption should even be considered unless there is a real and important basis for it.

The bill excludes the Comptroller General and the General Accounting Office, which are a part of the legislative branch of the Government. It has been thought wise to include a declaration to that effect, not because of any doubts in the matter on the part of the committee or of Congress, but because doubts have at times been expressed, and it is believed that Congress should take the opportunity to make its position clear.

The bill, in addition to removing the General Accounting Office and the Comptroller General entirely from its operation, also provides for exemption either in whole or in part from the operation of the legislation in the case of eight other agencies. The special provisions relating to these agencies are explained in detail in the discussion of section 5 under the heading "Explanation of the bill by sections."

(3) *Creation of new offices.*—The bill specifically provides that in any reorganization plan transmitted by the President, he may include provision for the appointment and compensation of the head and one or more assistant heads of any agency if the responsibilities and duties of such head are of such nature as to require such action. This provision is explained more fully in the discussion of section 4 under the heading "Explanation of the bill by sections." It should be noted that the bill does not authorize the President to include in the reorganization plan provisions for the appointment and compensation of any other officers and employees or for other exemptions from civil service and the Classification Act. His power to provide therefor, to the extent that it exists under provisions of other laws, is not enlarged by the bill.

(4) *Computation of 60-day period.*—Under the 1939 act, if Congress adjourned sine die a new 60-day period started within which a concurrent resolution might disapprove the plan; but if either House adjourned to a day certain, the 60-day period continued to run. Under the bill (as more fully explained in the discussion of sec. 5 under the heading "Explanation of the bill by sections") the effect of a sine die adjournment is the same, but the running of the 60-day period is suspended while either House is not in session by reason of an adjournment for more than 3 days to a day certain, unless it has already sent to the other House a resolution of disapproval which, under the special rules in title II insuring prompt consideration, is entitled to the benefit of such rules.

LIMITATIONS ON REORGANIZATION POWERS

Creation of new functions.—While authorizing extensive transfers, consolidations or abolition of functions there is nothing in the bill which expressly or by implication authorizes the creation of a new function. The bill, in fact, expressly prohibits (sec. 5 (a) (5)) the

authorization of any agency to exercise any function not expressly authorized by law.

Executive departments.—The bill expressly prohibits the establishment of any new executive department, the abolition or transfer of an executive department or of all its functions, the changing of the name of an executive department or the title of its head, or the designation of any agency as "Department" or its head as "Secretary." (See sec. 5 (a) (1) and (2).)

Temporary agencies and functions.—There is nothing in the bill which expressly or by implication authorizes making permanent any temporary agency or function. The bill, in fact, expressly prohibits such action. (See sec. 5 (a) (3) and (4).)

Exempt agencies.—The exemption of certain agencies from the bill either in whole or in part (provided for in section 5 (b), (c), and (d)) is discussed under the heading "Differences between the bill and the Reorganization Act of 1939."

TITLE I OF FIRST WAR POWERS ACT

Title I of the First War Powers Act granted the President power to provide by Executive order for temporary reorganizations, which power he has exercised in numerous instances. The First War Powers Act provides that, upon the expiration of 6 months after the termination of the war, all executive agencies shall exercise the same functions as before the making of the Executive order, subject to any changes made by law, regardless of the readjustments made by the Executive order. This, which is referred to in the President's message as "automatic reversion," is stated by the President in the message as undesirable in numerous cases—which cases are not specified by him. Under the terms of the bill it will be possible for the President, in such cases as he deems desirable, to include in the reorganization plan provisions making the transfers permanent—subject, of course, to the provisions of the bill prohibiting any reorganization plan from continuing any agency beyond the period authorized by law for its existence or beyond the time it would have terminated if the reorganization had not been made, or continuing any function beyond the period authorized by law for its exercise or beyond the time it would have terminated if the reorganization had not been made, or beyond the time when the agency in which vested before the reorganization would have terminated if the reorganization had not been made. It is to be noted, also, that the bill prohibits the reorganization plan from authorizing any agency to exercise any function which is not expressly authorized by law. Furthermore, any adjustments made by the President under the bill with respect to the temporary provisions of his Executive order issued under the War Powers Act would be subject to the provisions of section 5 (b), (c), and (d) of the bill providing for complete or partial exemption of certain agencies named herein.

EXPLANATION OF THE BILL BY SECTIONS

TITLE I

SECTION 1. SHORT TITLE

This section provides that the bill may be cited as the "Reorganization Act of 1945".

SECTION 2. NEED FOR REORGANIZATIONS

Subsection (a) of this section requires the President to investigate the organization of all agencies in the executive branch (defined in sec. 7 of the bill) for the purpose of determining what changes therein are necessary to accomplish any one or more of the purposes specified in such subsection. These purposes are—

(1) To reduce expenditures and promote economy, to the fullest extent consistent with the efficient operation of the Government;

(2) To increase the efficiency of the operations of the Government to the fullest extent practicable within the revenues;

(3) To group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;

(4) To reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and

(5) To eliminate overlapping and duplication of effort.

These five stated purposes are also the standards to guide the President in making his determinations as to what reorganizations he will set forth in the reorganization plans which he transmits to Congress pursuant to later provisions of the bill.

Subsection (b) of this section is a congressional declaration that the purposes specified in subsection (a) can be accomplished largely by the method proposed in the bill, and can be accomplished more speedily thereby than by the enactment of specific legislation.

SECTION 3. REORGANIZATION PLANS

This section provides that, whenever the President after investigation finds that any one or more transfers, consolidations, or abolitions are necessary to accomplish any one or more of the five purposes specified in section 2 (a), he is to prepare a reorganization plan for the making of the reorganizations as to which he has made the required finding and which he includes in the plan. The President's authority under this section is, however, subject to the limitations

prescribed in section 5. The reorganizations contemplated and authorized are—

(1) The transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency; or

(2) The abolition of all or any part of the functions of any agency; or

(3) The consolidation of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; or

(4) The consolidation of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

(5) The abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reorganizations specified in the reorganization plan will not have, any functions.

A reorganization plan so prepared is to be transmitted to the Congress by the President together with a declaration that, with respect to each proposed transfer, consolidation, or abolition, contained therein, he has found that such transfer, consolidation, or abolition, is necessary to accomplish one or more of the purposes of section 2 (a). Any plan so prepared and transmitted is to bear an identifying number.

The President is required in his message transmitting any such plan to the Congress (1) to state, to such extent as he deems practicable, the reduction of expenditures, if any, which it is probable will be brought about by the taking effect of the proposed reorganizations, and (2) to specify, with respect to each abolition of functions specified in the plan, the statutory authority for the exercise of such function.

SECTION 4. OTHER CONTENTS OF PLANS

This section provides for other matters as to which the President either must or may make provision in any plan transmitted to the Congress pursuant to section 3. The President's authority under this section is subject to the limitations prescribed in section 5. Section 4 provides that the President—

(1) Shall designate, in such cases as he deems necessary, the name of any agency affected by a reorganization and the title of its head.

(2) May include provisions for the appointment and compensation of the head and one or more assistant heads of any agency (including any agency resulting from a consolidation) if the President finds, and in his message transmitting the plan declares, that by reason of transfers and consolidations made by the plan, the responsibilities and duties of such head are of such nature as to require such action. In the case of any such appointment the term of office shall not be fixed at more than 4 years, the compensation shall not be at a rate in excess of \$12,000 per annum, and, if the compensation is at a rate in excess of the highest per annum rate which, without specific authorization or appropriation therefor, can be assigned to any position under the Classification Act of 1923, as amended, the appointment shall be by the

President, by and with the advice and consent of the Senate. Under the Classification Act of 1923, as amended, as at present in force, \$9,800 is the highest per annum rate which, without specific authorization or appropriation therefor, can be assigned to any position under such act.

(3) Shall make provision for the transfer or other disposition of the records, property (including office equipment), and personnel affected by any transfer, consolidation, or abolition.

(4) Shall make provision for the transfer of such unexpended balances of appropriations available for use in connection with the function or agency transferred or consolidated, as he deems necessary by reason of the transfer or consolidation for use in connection with the transferred or consolidated functions, or for the use of the agency to which the transfer is made, but such unexpended balances so transferred shall be used only for the purposes for which such appropriation was originally made.

(5) Shall make provision for winding up the affairs of any agency abolished.

SECTION 5. LIMITATIONS ON POWERS WITH RESPECT TO REORGANIZATIONS

This section contains limitations with respect to the reorganizations which may be accomplished under the bill.

Subsection (a) provides that no reorganization plan shall provide for, and no reorganization under the bill shall have the effect of—

(1) Abolishing or transferring an executive department or all the functions thereof or establishing any new executive department; or

(2) Changing the name of any executive department or the title of its head, or designating any agency as "Department" or its head as "Secretary"; or

(3) Continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made; or

(4) Continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been made, or beyond the time when the agency in which it was vested before the reorganization would have terminated if the reorganization had not been made; or

(5) Authorizing any agency to exercise any function which is not expressly authorized by law.

Subsection (b) deals exclusively with the following three agencies: Interstate Commerce Commission, Federal Trade Commission, and Securities and Exchange Commission. It provides that no reorganization plan shall provide for any reorganization affecting any such named agency, subject to the exception that this prohibition does not apply to the transfer to such agency of the whole or any part of, or the whole or any part of the functions of, any agency not so named. A reorganization proposed in any plan is not to be effective if the plan violates this subsection.

Subsection (c) deals exclusively with the following four agencies: Civil Service Commission, Federal Communications Commission,

United States Tariff Commission, and Veterans' Administration. It provides that no reorganization plan shall provide for a reorganization affecting any agency so named if it also provides for a reorganization which does not affect such agency, subject to the exception that this prohibition is not to apply to the transfer to such agency of the whole or any part of, or the whole or any part of the functions of, any agency not so named. No reorganization is to become effective if it is contained in a reorganization plan which violates this subsection. The purpose of this subsection is to insure that reorganizations affecting one of these four agencies will be sent to the Congress separately and not mingled with reorganizations affecting other agencies. Under this procedure the Congress may vote on the merits of the reorganizations affecting one of these agencies without being obliged to weigh the merits of such reorganizations as compared with the merits or demerits of reorganizations affecting other agencies.

Subsection (d) relates exclusively to the Engineer Corps of the United States Army. It provides that no reorganization plan shall provide for any reorganization which abolishes one or more civil functions of such corps, or of its head, or which vests one or more of such civil functions in any agency which is not within the control and jurisdiction of the Department of War, if such reorganization plan is not confined to such abolition or vesting, or both. This prohibition is subject to the limitation that it does not apply to the transfer to such corps of the whole or any part of, or the whole or any part of the functions of, any other agency. No reorganization contained in any reorganization plan is to become effective if the reorganization plan violates this subsection. The purpose of this subsection is to require submission in a separate plan of proposals to abolish civil functions of the Engineer Corps or to transfer such civil functions to an agency outside of the War Department, or proposals of both such actions. The Engineer Corps, which was organized in 1802, has for over 125 years been an efficient aid to Congress in the solution of the engineering and economic problems involved in river and harbor and flood control work. The recommendations of the Engineer Corps to the Congress have been of great assistance to it in the performance of its legislative functions. It seems to the committee that any proposal to change this system which has worked so well should not be intermingled in the same plan with other matters.

Subsection (e) provides that no reorganization specified in a reorganization plan shall take effect unless the plan is transmitted to the Congress before July 1, 1948.

SECTION 6. TAKING EFFECT OF REORGANIZATIONS

This section provides that the reorganizations specified in the plan shall take effect in accordance with the plan upon the expiration of the first period of 60 calendar days of continuous session of Congress following the date on which the plan is transmitted to the Congress, but this taking effect is to occur only if between the date of transmittal and the expiration of the 60-day period there has not been passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the reorganization plan.

Under the section if Congress adjourns sine die the continuity of session is considered as broken and a new 60-day period will start upon the convening of Congress at the next regular or special session.

If, however, either House takes an adjournment of more than 3 days to a day certain the days on which that House is not in session because of such adjournment are excluded from the computation of the 60-day period. To this there is an exception that if a resolution (to which the rules of the House and Senate contained in title II apply) has been passed by one House and sent to the other there is not excluded from the computation of the 60-day period the days in which the first House is not in session on account of adjournment for more than 3 days to a day certain. This provision, which is not contained in the 1939 act, is designed to enable the Congress to have the full 60 days in which to consider the reorganization plan and at the same time be able to take whatever recesses for more than 3 days are necessary. Without this provision, if this act had been in effect prior to the recess taken to October 8 during the past summer, the 60-day period would have been running all the time that Congress was away and on its return on September 5, if a plan had been transmitted to the Congress more than 60 days before such date, the plan would have taken effect during the absence of Congress. In order to prevent this result it would have been necessary for the Congress to forego its recess.

SECTION 7. DEFINITION OF "AGENCY"

This section contains the definition of the term "agency" for purposes of the bill. The term is defined to mean any executive department, commission, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, board, bureau, division, service, office, officer, authority, or administration, in the executive branch of the Government. It is expressly stated that such term does not include the Comptroller General of the United States or the General Accounting Office, which are declared by the bill to be a part of the legislative branch of the Government.

SECTION 8. MATTERS DEEMED TO BE REORGANIZATIONS

This section contains what is in effect a definition of the term "reorganization" for purposes of the bill.

SECTION 9. SAVING PROVISIONS

This section contains saving provisions with respect to the status, after a reorganization, of statutory provisions, regulations, and other actions, and suits and other proceedings having a relation to any agency or function affected by such reorganization.

SECTION 10. UNEXPENDED APPROPRIATIONS

This section provides for the impounding of sums unexpended by reason of the operation of the legislation.

SECTION 11. PRINTING OF REORGANIZATION PLANS

This section provides that, if the reorganizations specified in a plan take effect, the plan shall be printed with the public laws in the Statutes at Large and in the Federal Register.

TITLE II

Title II provides a set of rules (identical with the rules set forth in part 2 of title I of the Reorganization Act of 1939) for the consideration of concurrent resolutions expressing congressional disapproval of reorganization plans. The rules have the underlying purpose of permitting a majority in favor of such a resolution to get a vote on the merits within the 60-day period without their will being frustrated by parliamentary technicalities or filibusters.

Section 101 expressly provides that these rules set forth in the bill are adopted in pursuance of the power of each House to make its own rules, that they apply only to concurrent resolutions which follow the precise form provided in section 102, that these rules are to be considered as a part of the rules of each House and supersede other rules only to the extent that such other rules are inconsistent with the rules stated in the bill. Further, the section expressly recognizes the constitutional right of either House at any time to change the rules set forth in the bill.

Section 102 contains the definition of "resolution" for the purposes of the rules. Since the rules have as one of their objectives the elimination of the necessity for a conference between the two Houses and, as another, the elimination of debate upon amendments, the exact form of the resolution to which such rules apply is set forth. The resolution can specify only one plan. By its terms it relates to the whole plan, not to parts of it. A resolution departing from this form does not have the benefit of such rules, but if adopted is just as effective under section 6 of the bill as one which follows the form.

Section 103 provides for reference to a committee of such a resolution. All resolutions relating to the same plan are to be referred to the same committee.

Section 104 provides a procedure for discharge of the committee. If the committee of reference fails to report a resolution within 10 days after introduction (or receipt from the other House) a motion may be made to discharge the committee. The motion may relate to any resolution in the committee if the 10-day period has expired on one which is in the committee.

Such a motion may be made only by a person favoring the resolution. It is highly privileged. Debate on the motion to discharge is limited to 1 hour, to be equally divided. The motion cannot be amended, and no motion to reconsider will lie. If the motion to discharge is agreed to, or disagreed to, it cannot be renewed nor may a motion be made to discharge the committee from consideration of any other resolution relating to the same plan which is in the committee. Failure of the motion to discharge does not prohibit the committee from reporting a resolution thereafter and has no effect on the status of a resolution not following the prescribed form.

Section 105 provides for the consideration of the resolution. If the committee has reported or been discharged from consideration of a resolution relating to a plan, it is in order, at any time, for any member to move to proceed to the consideration of the resolution. That motion may be made at any time and even if a previous similar motion has been lost. The motion to consider is highly privileged, is not debatable, and may not be amended, and no motion to reconsider will lie.

Debate on the resolution is limited to not to exceed 10 hours, equally divided. A motion to limit debate is not debatable, and a motion to extend debate will not lie. No amendment to the resolution, or to recommit it, is in order and no motion to reconsider the resolution will lie.

Section 106 provides for decision without debate on all motions to postpone with respect to a resolution and on motions to proceed to other business. It also provides that appeals from decisions of the Chair under these rules and the other rules of the body shall, insofar as they relate to such resolutions, be decided without debate.

Section 107 provides for the case where a resolution is received from the other House. Thus, assume the case where the House receives from the Senate a resolution prior to the adoption of a House resolution relating to the same plan: If no House resolution has been referred to committee, only the Senate resolution may be made the subject of a motion to discharge. If a House resolution has been referred to committee, any House resolution may be made the subject of a motion to discharge or may be reported, just as if no Senate resolution had been received. On any vote on final passage, however, the Senate resolution is substituted for the House resolution.



79TH CONGRESS
1ST SESSION

[Report No. 971]

SEPTEMBER 19, 1945

SEPTEMBER 20, 1945

8 SEC. 2. (a) The President shall investigate the organiza-
9 tion of all agencies of the Government and shall determine
10 what changes therein are necessary to accomplish the follow-
11 ing purposes:

1 (1) to reduce expenditures and promote economy,
2 to the fullest extent consistent with the efficient operation
3 of the Government;

4 (2) to increase the efficiency of the operations of
5 the Government to the fullest extent practicable within
6 the revenues;

7 (3) to group, coordinate, and consolidate agencies
8 and functions of the Government, as nearly as may be,
9 according to major purposes;

(4) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and

(5) to eliminate overlapping and duplication of effort.

(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding immediately under the provisions of this Act, and can be accomplished more speedily thereby than by the enactment of specific legislation.

23 REORGANIZATION PLANS

24 SEC. 3. Whenever the President, after investigation,
25 finds that—

(1) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency; or

(2) the abolition of all or any part of the functions of any agency; or

(3) the consolidation of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; or

(4) the consolidation of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

(5) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reorganizations specified in the reorganization plan will not have, any functions,

is necessary to accomplish one or more of the purposes of section 2 (a), he shall prepare a reorganization plan for the making of the transfers, consolidations, and abolitions, as to which he has made findings and which he includes in the plan, and transmit such plan (bearing an identifying number) to the Congress, together with a declaration that, with respect to each transfer, consolidation, or abolition referred to in paragraph (1), (2), (3), (4), or (5) of this

1 section and specified in the plan, he has found that such trans-
2 fer, consolidation, or abolition is necessary to accomplish one
3 or more of the purposes of section 2 (a). The delivery to
4 both Houses shall be on the same day and shall be made
5 to each House while it is in session. The President, in his
6 message transmitting a reorganization plan, shall (i) state,
7 to such extent as he deems practicable, approximately the
8 reduction of expenditures, if any, which it is probable will be
9 brought about by the taking effect of the reorganizations
10 specified in the plan, and (ii) specify with respect to each
11 abolition of functions specified in the plan the statutory
12 authority for the exercise of such function.

13 OTHER CONTENTS OF PLANS

14 SEC. 4. Any reorganization plan transmitted by the
15 President under section 3—

16 (1) shall designate, in such cases as he deems neces-
17 sary, the name of any agency affected by a reorganiza-
18 tion and the title of its head;

19 (2) may include provisions for the appointment
20 and compensation of the head and one or more
21 assistant heads of any agency (including an agency
22 resulting from a consolidation) if the President
23 finds, and in his message transmitting the plan
24 declares, that by reason of transfers and consolida-
25 tions made by the plan, the responsibilities and duties

1 of such head are of such nature as to require such action.

2 In the case of any such appointment the term of office
3 shall not be fixed at more than four years, the com-
4 pensation shall not be at a rate in excess of \$12,000
5 per annum, and, if the compensation is at a rate in
6 excess of the highest per annum rate which, without
7 specific authorization or appropriation therefor, can be
8 assigned to any position under the Classification Act of
9 1923, as amended, the appointment shall be by the
10 President, by and with the advice and consent of the
11 Senate;

12 (3) shall make provision for the transfer or other
13 disposition of the records, property (including office
14 equipment), and personnel affected by such transfer,
15 consolidation, or abolition;

16 (4) shall make provision for the transfer of such un-
17 expended balances of appropriations available for
18 use in connection with the function or agency trans-
19 ferred or consolidated, as he deems necessary by reason
20 of the transfer or consolidation for use in connection with
21 the transferred or consolidated functions, or for the use
22 of the agency to which the transfer is made, but such un-
23 expended balances so transferred shall be used only for
24 the purposes for which such appropriation was originally
25 made;

1 (5) shall make provision for winding up the affairs
2 of any agency abolished.

3 LIMITATIONS ON POWERS WITH RESPECT TO
4 REORGANIZATIONS

5 SEC. 5. (a) No reorganization plan shall provide for,
6 and no reorganization under this Act shall have the effect
7 of—

8 (1) abolishing or transferring an executive de-
9 partment or all the functions thereof or establishing any
10 new executive department; or

11 (2) changing the name of any executive depart-
12 ment or the title of its head, or designating any agency
13 as “Department” or its head as “Secretary”; or

(3) continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made; or

(4) continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been made, or beyond the time when the agency in which it was vested before the reorganization would have terminated if the reorganization had not been made; or

1 (5) authorizing any agency to exercise any func-
2 tion which is not expressly authorized by law.

3 (b) No reorganization plan shall provide for any
4 reorganization affecting any agency named below in this
5 subsection; except that this prohibition shall not apply to
6 the transfer to such agency of the whole or any part of, or
7 the whole or any part of the functions of, any agency not
8 so named. No reorganization contained in any reorganiza-
9 tion plan shall take effect if the reorganization plan is in
10 violation of this subsection. The agencies above referred
11 to in this subsection are as follows: Interstate Commerce
12 Commission, Federal Trade Commission, and Securities and
13 Exchange Commission.

14 (c) No reorganization plan shall provide for a re-
15 organization affecting any agency named below in this sub-
16 section if it also provides for a reorganization which does not
17 affect such agency; except that this prohibition shall not
18 apply to the transfer to such agency of the whole or any part
19 of, or the whole or any part of the functions of, any
20 agency not so named. No reorganization contained in
21 any reorganization plan shall take effect if the reorganiza-
22 tion plan is in violation of this subsection. The agencies
23 above referred to in this subsection are as follows: Civil
24 Service Commission, Federal Communications Commission,

1 United States Tariff Commission, and Veterans' Admin-
2 istration.

3 (d) No reorganization plan shall provide for any re-
4 organization which abolishes any civil function of the Engi-
5 neer Corps of the United States Army, or of its head, or
6 which vests any such civil function in any agency which is
7 not within the control and jurisdiction of the Department
8 of War, if such reorganization plan also provides for any
9 reorganization not referred to above in this subsection; but
10 this prohibition shall not apply to the transfer to such Corps
11 of the whole or any part of, or the whole or any part of
12 the functions of, any other agency. No reorganization con-
13 tained in any reorganization plan shall take effect if the
14 reorganization plan is in violation of this subsection.

15 (e) No reorganization specified in a reorganization
16 plan shall take effect unless the plan is transmitted to the
17 Congress before July 1, 1948.

18 TAKING EFFECT OF REORGANIZATIONS

19 SEC. 6. (a) The reorganizations specified in the plan
20 shall take effect in accordance with the plan upon the
21 expiration of the first period of sixty calendar days, of con-
22 tinuous session of the Congress, following the date on which
23 the plan is transmitted to it; but only if, between the date
24 of transmittal and the expiration of such sixty-day period
25 there has not been passed by the two Houses a concurrent

1 resolution stating in substance that the Congress does not
2 favor the reorganization plan.

3 (b) For the purposes of subsection (a) —

4 (1) continuity of session shall be considered as
5 broken only by an adjournment of the Congress sine
6 die; but

7 (2) in the computation of the sixty-day period
8 there shall be excluded the days on which either House
9 is not in session because of an adjournment of more
10 than three days to a day certain; except that if a resolu-
11 tion (as defined in section 102) with respect to such
12 reorganization plan has been passed by one House and
13 sent to the other, no exclusion under this paragraph shall
14 be made by reason of adjournments of the first House
15 taken thereafter.

16 DEFINITION OF “AGENCY”

17 SEC. 7. When used in this Act, the term “agency”
18 means any executive department, commission, independent
19 establishment, corporation wholly or partly owned by the
20 United States which is an instrumentality of the United
21 States, board, bureau, division, service, office, officer, author-
22 ity, or administration, in the executive branch of the Gov-
23 ernment. Such term does not include the Comptroller
24 General of the United States or the General Accounting

1 Office, which are a part of the legislative branch of the
2 Government.

3 MATTERS DEEMED TO BE REORGANIZATIONS

4 SEC. 8. For the purposes of this Act any transfer, con-
5 solidation, abolition, designation, disposition, or winding up
6 of affairs, or provision for the appointment and compensation
7 of the head or assistant heads of an agency, referred to in
8 section 3 or 4, shall be deemed a "reorganization".

9 SAVING PROVISIONS

10 SEC. 9. (a) (1) Any statute enacted, and any regula-
11 tion or other action made, prescribed, issued, granted, or
12 performed, in respect of or by any agency or function trans-
13 ferred to or consolidated with any other agency or function
14 under the provisions of this Act, before the effective date of
15 such transfer or consolidation, shall, except to the extent
16 rescinded, modified, superseded, or made inapplicable by or
17 under authority of law, have the same effect as if such trans-
18 fer or consolidation had not been made; but where any such
19 statute, regulation, or other action has vested functions in
20 the agency from which the transfer is made under the plan,
21 such functions shall, insofar as they are to be exercised after
22 the transfer, be considered as vested in the agency to which
23 the transfer is made under the plan.

24 (2) As used in paragraph (1) of this subsection the
25 term "regulation or other action" means any regulation, rule,

1 order, policy, determination, directive, authorization, permit,
2 privilege, requirement, designation, or other action.

3 (b) No suit, action, or other proceeding lawfully com-
4 menced by or against the head of any agency or other officer
5 of the United States, in his official capacity or in relation
6 to the discharge of his official duties, shall abate by reason
7 of any transfer of authority, power, and duties from one
8 officer or agency of the Government to another under the
9 provisions of this Act, but the court, on motion or supple-
10 mental petition filed at any time within twelve months
11 after such transfer takes effect, showing a necessity for a
12 survival of such suit, action, or other proceeding to obtain
13 a settlement of the questions involved, shall allow the same
14 to be maintained by or against the head of the agency or
15 other officer of the United States to whom the authority,
16 powers, and duties are transferred.

17 UNEXPENDED APPROPRIATIONS

18 SEC. 10. The appropriations or portions of appropria-
19 tions unexpended by reason of the operation of this Act
20 shall not be used for any purpose; but shall be impounded
21 and returned to the Treasury.

22 PRINTING OF REORGANIZATION PLANS

23 SEC. 11. If the reorganizations specified in a reor-
24 ganization plan take effect, the reorganization plan shall be

1 printed in the Statutes at Large in the same volume as the
2 public laws, and shall be printed in the Federal Register.

3 TITLE II

4 SEC. 101. The following sections of this title are enacted
5 by the Congress:

6 (a) As an exercise of the rule-making power of the
7 Senate and the House of Representatives, respectively, and
8 as such they shall be considered as part of the rules of each
9 House, respectively, but applicable only with respect to
10 the procedure to be followed in such House in the case of
11 resolutions (as defined in section 102) ; and such rules shall
12 supersede other rules only to the extent that they are incon-
13 sistent therewith; and

14 (b) With full recognition of the constitutional right of
15 either House to change such rules (so far as relating to the
16 procedure in such House) at any time, in the same manner
17 and to the same extent as in the case of any other rule of
18 such House.

19 SEC. 102. As used in this title, the term "resolution"
20 means only a concurrent resolution of the two Houses of
21 Congress, the matter after the resolving clause of which
22 is as follows: "That the Congress does not favor the re-
23 organization plan numbered transmitted to Congress
24 by the President on , 19 .", the blank
25 spaces therein being appropriately filled; and does not include

1 a concurrent resolution which specifies more than one re-
2 organization plan.

3 SEC. 103. A resolution with respect to a reorganization
4 plan shall be referred to a committee (and all resolutions
5 with respect to the same plan shall be referred to the same
6 committee) by the President of the Senate or the Speaker
7 of the House of Representatives, as the case may be.

8 SEC. 104. (a) If the committee to which has been re-
9 ferred a resolution with respect to a reorganization plan
10 has not reported it before the expiration of ten calendar days
11 after its introduction (or, in the case of a resolution received
12 from the other House, ten calendar days after its receipt),
13 it shall then (but not before) be in order to move either to
14 discharge the committee from further consideration of such
15 resolution, or to discharge the committee from further con-
16 sideration of any other resolution with respect to such
17 reorganization plan which has been referred to the committee.

18 (b) Such motion may be made only by a person favor-
19 ing the resolution, shall be highly privileged (except that it
20 may not be made after the committee has reported a resolu-
21 tion with respect to the same reorganization plan), and de-
22 bate thereon shall be limited to not to exceed one hour, to be
23 equally divided between those favoring and those opposing
24 the resolution. No amendment to such motion shall be in

1 order, and it shall not be in order to move to reconsider the
2 vote by which such motion is agreed to or disagreed to.

3 (c) If the motion to discharge is agreed to or disagreed
4 to, such motion may not be renewed, nor may another mo-
5 tion to discharge the committee be made with respect to any
6 other resolution with respect to the same reorganization plan.

7 SEC. 105. (a) When the committee has reported, or
8 has been discharged from further consideration of, a resolution
9 with respect to a reorganization plan, it shall at any time
10 thereafter be in order (even though a previous motion to the
11 same effect has been disagreed to) to move to proceed to the
12 consideration of such resolution. Such motion shall be highly
13 privileged and shall not be debatable. No amendment to
14 such motion shall be in order and it shall not be in order to
15 move to reconsider the vote by which such motion is agreed
16 to or disagreed to.

17 (b) Debate on the resolution shall be limited to not to
18 exceed ten hours, which shall be equally divided between
19 those favoring and those opposing the resolution. A motion
20 further to limit debate shall not be debatable. No amend-
21 ment to, or motion to recommit, the resolution shall be in
22 order, and it shall not be in order to move to reconsider
23 the vote by which the resolution is agreed to or disagreed to.

24 SEC. 106. (a) All motions to postpone, made with
25 respect to the discharge from committee, or the consideration

1 of, a resolution with respect to a reorganization plan, and
2 all motions to proceed to the consideration of other business,
3 shall be decided without debate.

4 (b) All appeals from the decisions of the Chair relating
5 to the application of the rules of the Senate or the House of
6 Representatives, as the case may be, to the procedure re-
7 lating to a resolution with respect to a reorganization plan
8 shall be decided without debate.

9 SEC. 107. If, prior to the passage by one House of a
10 resolution of that House with respect to a reorganization
11 plan, such House receives from the other House a resolution
12 with respect to the same plan, then—

13 (a) If no resolution of the first House with respect to
14 such plan has been referred to committee, no other resolution
15 with respect to the same plan may be reported or (despite
16 the provisions of section 104 (a)) be made the subject of a
17 motion to discharge.

18 (b) If a resolution of the first House with respect to
19 such plan has been referred to committee—

20 (1) the procedure with respect to that or other
21 resolutions of such House with respect to such plan
22 which have been referred to committee shall be the
23 same as if no resolution from the other House with re-
24 spect to such plan had been received; but

25 (2) on any vote on final passage of a resolution

1 of the first House with respect to such plan the resolution
2 from the other House with respect to such plan shall be
3 automatically substituted for the resolution of the first
4 House.

Union Calendar No. 302

79TH CONGRESS
1ST SESSION

H. R. 4129

[Report No. 971]

A BILL

To provide for reorganizing agencies of the
Government, and for other purposes.

By Mr. MANASCO

SEPTEMBER 19, 1945

Referred to the Committee on Expenditures in the
Executive Departments

SEPTEMBER 20, 1945

Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued September 27, 1945, for actions of Wednesday, September 26, 1945)

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HIGHLIGHTS: Senate continued debate on full-employment bill and confirmed the nomination of Symington to be Surplus Property Administrator.

SENATE

1. FULL-EMPLOYMENT BILL. Continued debate on this bill, S. 380 (pp. 9172-83). Sens. Radcliffe, Md., Taft, Ohio, and others discussed the public-works benefits under this bill (pp. 9173-83).
2. NOMINATION. Confirmed the nomination of W. Stuart Symington to be Surplus Property Administrator (pp. 9183, 9186).
3. COMMITTEE ASSIGNMENT. Sen. Tunnell, Del., was excused from further service with the Claims Committee (p. 9151).
4. ALASKAN AGRICULTURE. Received an Alaskan Development Board petition urging legislation "to provide an agricultural program for Alaska (p. 9151).
5. EDUCATION. Received Commissioner of Education's 4th quarterly report on education and training of defense workers for the period ending June 30, 1945. To Appropriations Committee. (p. 9151.)

HOUSE

6. PERSONNEL. Rep. Robertson, Va., criticized H.R. 2948, to exempt annuity payments under the Civil Service Retirement Act from taxation, stating, "The bill is objectionable both from the standpoint of equality of treatment of all taxpayers, and likewise from the standpoint of any opportunity that the Ways and Means Committee will have at this time to give some measure of relief to all the taxpayers in the country" (p. 9187).
7. GOVERNMENT REORGANIZATION. Rep. Crawford, Mich., urged exemption of FDIC from H.R. 4129, the reorganization bill, and stated that it exercises "many quasi-judicial functions" and "should not be treated as a regular executive or administrative agency" (p. 9187).

BILLS INTRODUCED

8. SURPLUS PROPERTY. S. 1435, by Sen. Buck, Del., to amend the Surplus Property Act of 1944 so as to afford veterans certain additional preference in the purchase of surplus property. To Military Affairs Committee. (p. 9152.)
9. EDUCATION; VETERANS. S. 1437, by Sen. Shipstead, Minn., to provide for the release from the armed forces of men under 20 years of age who desire to resume their education. To Military Affairs Committee. (p. 9152.)
10. VETERANS. H. R. 4189, by Rep. Beckworth, Tex., to extend the time within which veterans may qualify for or receive the benefits of the Servicemen's Readjustment Act of 1944 and of part VIII of Veterans Regulations No. 1(a). To World War Veterans Legislation Committee. (p. 9189.)
H. R. 4188, by Rep. Beckworth, Tex., to extend the benefits of the Mustering-Out Pay Act of 1944 to certain veterans discharged or relieved from active service prior to Dec. 7, 1941. To Military Affairs Committee. (p. 9189.)

ITEMS IN APPENDIX

11. GOVERNMENT REORGANIZATION. Extension of remarks of Rep. Mansfield, Tex., favoring continuation of exemption of the civil functions of the Army Engineer Corps from reorganization (p. A7374).
12. ST. LAWRENCE SEAWAY. Sen. Langer, N. Dak., inserted Gov. Dewey's letter and a New York Herald Tribune article favoring inclusion of a power-resources-development clause in the St. Lawrence Seaway project bill (pp. A4371-2).
13. UNEMPLOYMENT COMPENSATION. Rep. Dirksen, Ill., inserted a New York Times" article on House Ways and Means Committee action deferring action on S. 1274, the unemployment compensation bill (pp. A4376-7).

COMMITTEE HEARINGS Released by G.P.O.

14. APPROPRIATIONS. H.R. 4103, surplus appropriation rescission bill, 1946. House Appropriations Committee.
15. GOVERNMENT REORGANIZATION. S. 1120, reorganization in the executive departments. Senate Judiciary Committee.
16. POST-WAR PLANNING; PUBLIC WORKS. Pursuant to H. Res. 408 and H. Res. 60, post-war economic policy and planning. Post-war public works and construction. House Special Committee on Post-war Economic Policy and Planning.

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For supplemental information and copies of legislative material referred to, call Ext. 4654, or send to Room 112 Adm. Arrangements may be made to be kept advised, routinely, of developments on any particular bill.

- o -

COMMITTEE HEARING ANNOUNCEMENTS for Sept. 27: S. Irrigation and Reclamation, MVA bill; S. Education and Labor, 65¢-minimum-wage bill; H. Appropriations, deficiency bill; H. Civil Service, retirement for elective officers and department heads; H. Expenditures in the Executive Departments, full employment; and H. Committee to Investigate Executive Agencies, cost absorption in retail-pricing program.

House of Representatives

WEDNESDAY, SEPTEMBER 26, 1945

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou the revelation of the heart of our Heavenly Father, give us courageous strength for this day; give rest for the laborer, grace for trials and compassion for the toiling millions of earth. Shed more light upon the events of these hours that we may meet situations wisely and solve problems justly.

Thou who wert with shame and grief bowed down, yet touched with a feeling of our infirmities, persuade us that benevolence is a tremendous power and he who has this spirit will do gladly and freely that which he knows to be right and just. Help us to shun movements which challenge the liberties of freemen. Impress our country that sound principles never die, either for the individual or for the Nation. Let us not be deceived, O Lord; Thou art not mocked; whatsoever a people soweth that shall it also reap. Bless our land; break down all barriers that prevent unity and harmony between management and labor and give peace to our fellow countrymen everywhere. Through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

CORRECTION OF THE RECORD

Mr. WASIELEWSKI. Mr. Speaker, on yesterday, in the course of our discussion of the bill to exempt annuity payments from taxation, on page 9137 of the CONGRESSIONAL RECORD of Tuesday, September 25, in the third column, in my exchange of views with the distinguished gentleman from North Carolina [Mr. DOUGHTON], the figure \$6,000,000 is set forth, instead of \$6,000,000,000, as the tax loss that would be suffered. I ask unanimous consent that the permanent RECORD be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

EXTENSION OF REMARKS

Mr. MANSFIELD of Texas asked and was given permission to extend his remarks in the RECORD.

Mr. ROBERTSON of Virginia asked and was given permission to extend his remarks in the RECORD and include an editorial from the New York Times of yesterday entitled "We Can Lose the Peace."

Mr. KEARNEY asked and was given permission to extend his remarks in the RECORD and include a letter received from overseas.

Mr. ANGELL asked and was given permission to extend his remarks in the

RECORD and include an address by Henry J. Kaiser delivered before the San Francisco Chamber of Commerce.

Mr. GILLIE asked and was given permission to extend his remarks in the RECORD and include an editorial from the Fort Wayne News-Sentinel on the Hoover plan in the matter of postwar loans and assistance to foreign governments.

Mr. MASON asked and was given permission to extend his remarks in the RECORD and include an article by Constantine Brown.

EXEMPTION OF TAXATION ON ANNUITIES

Mr. ROBERTSON of Virginia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. ROBERTSON of Virginia. Mr. Speaker, on yesterday the House voted to make in order the Ramspeck bill, to give to retired Government workers, as tax-free income, the sum of \$1,440 over and above exemptions and deductions now allowable, of their retirement pay.

As pointed out yesterday by the chairman of the Ways and Means Committee, that measure is highly discriminatory. I anticipate action on the bill will be taken by the House this week. Before the House votes on the bill I hope every Member of the House will read the letter from the Secretary of the Treasury, Hon. Fred Vinson, which was read to the House yesterday by the chairman of our committee the gentleman from North Carolina [Mr. DOUGHTON].

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. ROBERTSON of Virginia. I yield.

Mr. MASON. Anyone who reads that letter cannot help but vote against that bill.

Mr. ROBERTSON of Virginia. The bill is objectionable both from the standpoint of equality of treatment of all taxpayers, and likewise from the standpoint of any opportunity that the Ways and Means Committee will have at this time to give some measure of relief to all the taxpayers in the country.

The SPEAKER. The time of the gentleman from Virginia has expired.

FEDERAL DEPOSIT INSURANCE CORPORATION

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAWFORD. The Federal Deposit Insurance Corporation is a regulatory, independent agency exercising

many quasi-judicial functions the foremost of which is the examination of banks, and therefore should not be treated as a regular executive or administrative agency.

Economies in governmental expenditures will not be effected by reorganization of the Corporation since it has always been self-supporting, has from its very inception operated without annual appropriations, and exercises no functions that can be abolished or properly transferred to any other agency.

The funds of the Corporation, about two-thirds of which have been accumulated through assessments paid by insured banks, are in the nature of a trust fund set aside for insurance purposes; any diversion, through reorganization, of these funds to other uses would be a breach of faith and trust on the part of the Government.

The FDIC has been administered quite satisfactory to the many many millions of stockholders who have their savings invested in bank stocks and those who have their savings deposited in the commercial banks of the Nation. Any reorganization scheme which will cause loss of confidence on the part of these millions of stockholders and depositors can bring great harm to our economic structure. The Congress should not include the FDIC in the reorganization bill.

The SPEAKER. The time of the gentleman from Michigan has expired.

EXTENSION OF REMARKS

Mr. HILL asked and was given permission to extend his remarks in the Appendix of the RECORD and include an article by a Denver attorney on the Missouri Valley Authority.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include a very able editorial, a tribute paid to labor and industry in this reconversion period in Massachusetts called the Quiet Sector.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a letter received from a member of the armed forces in Europe and published in a newspaper. I further ask that the name of the newspaper and the name of the soldier both be deleted, for obvious reasons, but the letter is of such nature as to be of interest to the Congress, to the country, and I hope to the War Department.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. MANSFIELD of Montana. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include a letter from an excellent friend of mine on Saipan.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

[The matter referred to appears in the Appendix.]

Mrs. NORTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a copy of the sermon delivered by Bishop Haas at the funeral of Monsignor Ryan. This may exceed the limit established by the Joint Committee on Printing, but notwithstanding that I ask unanimous consent that the extension may be made.

The SPEAKER. Notwithstanding that it may exceed the limit, without objection, the extension may be made.

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. DIRKSEN asked and was given permission to extend his remarks in the RECORD.

THE ATOMIC BOMB

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DIRKSEN. Mr. Speaker, I presume every Member of the House received a form telegram this morning from the North American Newspaper Alliance which read as follows:

NEW YORK, N. Y., September 25, 1945.
HON. EVERETT M. DIRKSEN,
Member of Congress,
Washington, D. C.:

Request file up to 50 words NPR collect your views whether atomic bomb secret should be given Russia and why.

NORTH AMERICAN NEWSPAPER ALLIANCE.

Here is the telegram I sent them in reply:

WASHINGTON, D. C., September 26, 1945.
NORTH AMERICAN NEWSPAPER ALLIANCE,
New York, N. Y.:

Why limit this to Russia? Now that war is over would anyone suggest we turn over our newest battleships or B-29's to any of our erstwhile cobelligerents? When is Russia going to return our "garden hose"? The fire is out, isn't it? It does not presently appear essential to world peace that Russia be given atomic bomb secret. Should such essentiality materialize consideration of matter could then be had.

EVERETT M. DIRKSEN,
Member of Congress.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

LET'S KEEP THE SECRETS OF THE ATOMIC BOMB AND INSURE THE PEACE OF THE WORLD

Mr. RANKIN. Mr. Speaker, we all received telegrams similar to the one just read by the distinguished gentleman from Illinois [Mr. DIRKSEN] asking us our attitude on giving the secrets of the atomic bomb to Russia.

I wish to take this opportunity to express my attitude on the entire proposition.

America today, as Winston Churchill said, is at the summit of the world. We are today the most powerful nation in the world, and in a position to make ours the most respected nation on earth.

I am opposed to giving anybody the secret of the atomic bomb. Let us keep the secret, keep the bombs we have, keep our machinery ready to make more if necessary, maintain the largest air force on earth, and a navy second to none.

Then let us say to the rest of the world: "If you want peace, let us see you observe it."

In that way we can have peace for the next 50 or 100 years.

The SPEAKER. The time of the gentleman from Mississippi has expired.

ADJOURNMENT

Mr. WHITTINGTON. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 74, noes 31.

Mr. MARCANTONIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

Mr. RANKIN. Mr. Speaker, I make the point of order that a motion to adjourn does not require a quorum and that it is too late now for a roll call.

The SPEAKER. The point of order is sustained.

The motion was agreed to; accordingly (at 12 o'clock and 16 minutes p. m.) the House adjourned until tomorrow, Thursday, September 27, 1945, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

(Thursday, September 27, 1945)

The Committee on Expenditures in the Executive Departments will hold a hearing at 10 o'clock a. m. on Thursday, September 27, and Friday, September 28, 1945, on H. R. 2202, in room 362, Old House Office Building.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(Thursday, September 27, 1945)

The Committee on the Merchant Marine and Fisheries will hold a public hearing Thursday, September 27, 1945, at 10 o'clock a. m., on H. R. 1751, to authorize the course of instruction at the United States Merchant Marine Academy to be given to not exceeding 20 persons at a time from the American republics, other than the United States.

(Thursday, October 4, 1945)

The Committee on the Merchant Marine and Fisheries will meet in executive hearing on Thursday, October 4, 1945, at 10 o'clock a. m., to consider the bill H. R. 3367, to amend Public Law 44, Seventy-eighth Congress, as amended.

(Thursday, October 18, 1945)

The Committee on the Merchant Marine and Fisheries will hold a public hearing Thursday, October 18, 1945, at 10 a. m., on H. R. 2346, the seamen's bill of rights, to provide aid for the readjustment in civilian life of those persons who rendered war service in the United States merchant marine during World War II, and to provide aid for the families of deceased war-service merchant seamen.

COMMITTEE ON PATENTS

(Tuesday, October 2, 1945)

The Committee on Patents will hold a public hearing Tuesday, October 2, 1945, at 10:30 a. m. on H. R. 2111 and H. R. 4079, to extend temporarily the time for filing applications for letters patent, and for other purposes. Hearings will be held in the committee room, 416 Old House Office Building. Anyone desiring to give testimony should notify the clerk of the committee prior to date of hearing.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(Tuesday, October 9, 1945)

The Interstate and Foreign Commerce Committee, or a subcommittee thereof, will meet at 10 a. m. Tuesday, October 9, to begin hearings on H. R. 2536, the Bulwinkle bill.

Various groups who have representation in Washington will be heard during the first week, such as Members of Congress first, the Interstate Commerce Commission, the National Association of Railroad and Utilities Commissioners, Association of American Railroads, Railroad Traffic Organizations, railroad labor, and truck and bus associations.

The second week will be devoted to various State commissions, agricultural associations, National Industrial Traffic League, and various citizens' traffic associations had traffic boards and chambers of commerce.

It is going to be necessary to limit the time for this hearing as much as possible. It is also desired to avoid any repetition in statements before the committee.

The committee would be pleased to have those who are intending to appear to advise the clerk promptly the least amount of time they will need in which to present their testimony.

REPORT OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALTER: Committee on the Judiciary. H. R. 4100. A bill to amend section 74 of the Judicial Code, as amended, to change the terms of the District Court for the District of Connecticut; without amendment (Rept. No. 1027). Referred to the House Calendar.

in the sense that he strove for novelty. On the contrary, his sole aim was to call men back to the ancient truths delivered by the Master to His Church.

It would be interesting to review the extent to which Monsignor Ryan's teachings have been put into operation in our country. Time will permit me to refer to only one. In 1910, he made two addresses, one in March in Milwaukee, and the other in May in St. Louis, in which he advocated the establishment of a minimum wage by law. Prior to that year, there is no record of any public statement by any person of standing in support of a legal minimum wage.

How much his addresses in 1910, together with his writings on the subject, contributed to the subsequent enactment of such legislation, is difficult to determine, but it is the fact that shortly thereafter minimum-wage bills were introduced into various State legislatures, and that he himself wrote the first minimum-wage bill presented to the Minnesota Legislature, and that this bill, in revised form, became law in this State in 1913. By 1917, 11 States had similar laws, and at present the number is 26. Moreover, in 1938, our Federal Congress enacted the Fair Labor Standards Act establishing national minimum-wage levels for men and women.

In all truth, his was a full life as priest and scholar. Teacher, thinker, author, lecturer, administrator—his record does not have to be made or to be built up. It is known to all the world. Without exaggeration, one can say that his social program is now the property of the American people, and even of some abroad, and that men are beginning to recognize its measured wisdom, and even to live by it.

II

So much for his life. What was the source of his strength? What was the secret of his life's work?

Those who knew John Ryan will answer that the source of his strength was Almighty God himself. Upon the great truths of divine revelation he exercised his splendid mind, and from them drew all his reasoned applications to everyday life. He was too clear-eyed not to see that man's relation to his Creator is more important than man's relation to his fellow men, and that unless the first relation is right the second cannot be. He saw, too, that by helping to bring the second nearer to what God intended, he was helping to bring the first to fuller reality.

In May 1891, when John Ryan was 22 years of age, the great Leo XIII issued his epoch-making encyclical, *On the Condition of Workers*. In the following month the *Review of Reviews* carried a 7,000-word commentary on the encyclical, praising it lavishly and hailing it as the book of the month. The reviewer, however, sounded a note of warning: "The Encyclical opens a door through which we may see a great vista of social transformation. The Pope has taken the first step. He has put his hand to the plough. * * * Everything will depend upon how the lead, taken in the Encyclical, is followed up" (p. 89).

That was a challenge and, almost alone in our country, the young Ryan took it up. In the Encyclical he read a principle to which he clung to the last, and in it he observed a method, from which, scientist that he was, he never deviated.

The principle was this: The Catholic Church has jurisdiction over economic matters in everything touching men's lives, technical and mechanical activities only excepted. Leo had declared unequivocally: *Confidenter ad argumentum aggredimur ac plane iure Nostro*, "We approach the subject with confidence and surely by our right" (par. 24).

But it was abundantly clear to the young Ryan that this principle rests on a much deeper one: That the Holy Father, as head

of the church, speaks for, and in the name of, and with the same authority as, Jesus Christ. As to this latter principle, John Ryan never entertained the slightest question. It was the basis and groundwork of all his doctrine. To him, it was the church and the church alone to which Christ, speaking to Peter, had given His own divine powers: "Thou art Peter, and upon this rock I will build my church, the gates of hell shall not prevail against it." (Matthew 16: 18): "As the Father has sent me, I also send you" (John 20: 21); and to which He had given His comforting assurance of protection from error, "And behold, I am with you all days, even unto the consummation of the world" (Matthew 28: 20). To him, the church was "the pillar and mainstay of the truth" (1 Timothy 3: 15), and, as he once wrote, "It is the dearest thing in my life."

But young Ryan detected something else in Leo's encyclical besides its reassertion of the principle that the church has unquestioned jurisdiction over everything affecting men's lives in the social and economic field. That something else was the method that the pontiff used. It was what we call today the scientific method. Leo, indeed, had a philosophy as what scientist, deny it as he may, has not. Leo's procedure was: Observation, experiment, induction, with proposals for change dictated by his philosophy. In a word, he first gathered before him certain verifiable data, and then only passed moral judgment on them and advocated remedial measures, wherever, according to his philosophy, there was need of remedy. This was Leo's method. This was John Ryan's method.

Regarding the encyclical of 1891, years afterward Monsignor Ryan wrote: "At the beginning of the encyclical, he (Leo XIII) declared that the condition of the working classes had come to be little better than that of slavery. This was a statement of fact, not a repetition of a general principle. It was not arrived at by deductive reasoning. Throughout the encyclical, he deals constantly with the actual conditions of labor in all its relations. Hence the concreteness and usefulness of his moral pronouncements." (*Questions of the Day*, Stratford Press, 1931, p. 223.)

This procedure of Leo XIII of combining divine truth and scientific method, and yet in giving each its fullest scope, Monsignor Ryan followed throughout his whole career. Needless to say, in doing so he was acting in the best Christian tradition.

Recall the touching incident in the synagogue at Capernaum (John 6: 60-70). The Master has just proclaimed His divinity again and had just declared to His disciples that He was going to give them His flesh to eat and His blood to drink. Some of them were scandalized at what He had said and, murmuring among themselves, began to walk away. Turning to the Twelve, He asked, "Do you also wish to go away?"

It is beside the point to inquire why our Saviour put this question to the Apostles, whether He wished them to understand that He was leaving them free either to remain with Him or to go away, or that as sovereign God He could readily secure substitutes in their place if they decided to leave, or whether He wished to stifle any thought in their hearts that by remaining with Him, they were extending a favor to Him rather than receiving one. The fact is, He asked the Twelve, "Do you also wish to go away?"

Simon Peter, speaking for the Twelve, replied at once: "Lord, to whom shall we go? Thou hast words of everlasting life, and we have come to believe and to know that Thou art the Christ, the Son of God." It is as if Peter had said, "Thy words, O Lord, are sweet and life giving; Thou art our only ref-

uge; who but one who is dull and unbalanced would leave Thee?"

Peter made an act of faith, and Peter used his powers of reasoning. Peter believed and Peter knew. He believed because he accepted Christ, true God and true man. He knew because he had heard with his own ears the preaching of the Baptist, and because he had seen with his own eyes and had witnessed with all his other senses the miracles and the sanctity of the Saviour. Peter believed, and Peter knew.

Like Simon Peter, John Augustine Ryan exemplified the faithful use of the twofold talent of faith and of reason. While his reliance on the teachings of Peter's successor was truly childlike, he yielded to no one in the complete and unfettered use of his vigorous intellect.

Living answer, he was, to the shallow taunt that a Catholic cannot be a scientist. To him reason was the light of God's face. To him was given the Psalmist's joy: "The light of Thy countenance O Lord is signed upon us: Thou has given gladness in my heart." (4-7) That gladness, we may venture to say, gave him the extraordinary calm which he maintained in the face of hostile critics, and the satisfaction that was his to see no small part of what he had worked for coming to be accepted even during his lifetime.

To his success in combining in himself the moral teacher and the scientist, let one testify whose commendation may come as a bit of a surprise. In 1917, Dr. Alvin Johnson reviewing Monsignor Ryan's monumental work *Distributive Justice* in the *New Republic* of February 17 wrote: "Few ethical authorities have had sufficient knowledge of economic facts to adapt ethical principles to the economic field; few economists are abreast of the best modern work in ethics. To this rule, the most notable exception is Dr. Ryan. His economic scholarship is unimpeachable; survey his writing, and you are forced to the conclusion that among the economists of today there are not many who can match him in command of the literature and in sanity of judgment."

A single formula, then, guided him throughout his entire career: complete adherence to the teaching magisterium of the church, and painstaking use of the tools of the scientist. He did not merely accept the depositum fidei, the body of Christian faith, but worked and toiled in order to set it forth in its primeval purity.

In 1913, he became disturbed at the charge of certain socialists that the early fathers of the church—Basil, Ambrose, and Jerome—denied the right of private property, and advocated a system of collectivism. He set himself to work on early Patristic literature and published the little volume *The Alleged Socialism of the Church Fathers*, in which he revealed the true mind of the fathers of the fourth and fifth centuries on ownership and private property.

Later, as students in his seminar at Catholic University can well bear witness, he was almost meticulous in analyzing the works of St. Thomas Aquinas, both in directing dissertations and in publishing his own researches in this field, in order to discover the true position of the angel of the schools on the two main pillars of medieval economic doctrine, the just price and the prohibition of usury. Again, it was the theologian and the scientist at work.

There is one feature of John Ryan's thinking that may not be overlooked. Theologian though he was, he had a passion for facts. He took the perfectly rational position that no one can pass valid judgment on industrial or other questions unless he is acquainted with the facts concerning them. He adopted the homely common sense of the person in the street; a man, when he talks, should know what he is talking about.

Deductive reasoning alone, he held, is not enough. Convictions alone, even when they

are sound and right, are not enough. "The general principles," he wrote, "are true, indeed, but they are practically useless unless they are applied specifically to the actual conditions and relations of the industry. Unless we know the facts, we cannot apply the principles." (Questions of the Day, Stratford Press, 1931, p. 222.) Could clearer declaration be formulated of the rights and liberties of the true scientist?

One other phase of his thinking might well be referred to here. It was his constant practice to view things in their causal relation to one another and, in the case of social wrongs, to propose remedies to eliminate the causes of these wrongs, rather than to wait until the causes had worked themselves out, and then merely to deplore the evil results. I refer to the matter of communism. All the world knows that communism can take root only in the soil of injustice and oppression. It can hardly thrive in any other.

Monsignor Ryan denounced communism, and its earlier counterpart, socialism, more vigorously and certainly more intelligently than any other writer in the English language. (See for example his *The Church and Socialism*, University Press, Washington, 1919, and his *A Better Economic Order*, Harpers, 1935.) But he did not content himself with condemnation. His was a positive crusade. He sought to remove the causes out of which socialism and communism grow. If any proof is needed for this assertion, the clear answer is the Bishop's Reconstruction Program of 1919, which he not only conceived but also wrote.

Indeed, he does not fall under the censure of Pope Pius XI, but rather merits the praise of that great pontiff who, after lamenting the attitude of those who look with indifference on the spread of communism, asserts: "All the more gravely to be condemned is the folly of those who neglect to remove or change the conditions that inflame the minds of peoples, and pave the way for the overthrow and destruction of society." (Quadragesimo Anno, par. 112.)

But, mark well, Monsignor Ryan did not demand justice for workers merely because injustice would drive them to communism. When all is said and done, this is a view that is born of selfishness. It was not John Ryan's view. His was far more Christian. He condemned oppression, and proposed measures for social justice in behalf of the oppressed, because justice is their right as children of God and brothers of Jesus Christ.

III

Now, let us look at the man himself. Persons who met Monsignor Ryan for the first time were frequently heard to remark: "How strong and yet how simple he is." This was the judgment not merely of strangers, but of those who were privileged to be close to him. Massive strength with childlike simplicity—nothing portrays him quite so well.

If we may draw aside the curtain of his young manhood, we may say, I am sure, that he did not build his character to this formula by chance, and least of all, by self-promoting design. Christian and Catholic that he was from birth, he saw and loved and made his own the transcendent wisdom of Him who being God "emptied himself, taking the nature of a slave and being made like unto men" (Philistines 2: 7); who laid it down as a first condition of man's blessedness "unless you turn and become like little children, you will not enter into the kingdom of heaven" (Matthew 18: 3); who remains with us, true God, under the frail appearance of bread upon our altars; whose own Mother became all powerful because she was all lowly; and whose Apostle could proclaim with triumph, "Strength is made perfect in weakness" (II Corinthians 12).

To this great mystery of Christian faith—strength is made perfect in weakness—John Ryan yielded allegiance. It captivated him and shaped his character. Here is the expla-

nation of his childlike simplicity and of his manly strength.

Child, he was, to his last breath. Even at the risk of seeming to trifle, I would say that it was only a boy who, at the age of 70, could look back at the time when he was 29 and write of himself, as he did, in his autobiography: "Until I left home for the Catholic University the latter part of September 1898, I had never seen as large a city as Chicago. The 2 or 3 days that I spent in that metropolis on my way to Washington were extremely interesting. I still recall the powerful impression made upon me by the elevated railroads, the tall buildings, the lake front, the crowds, and the noise, hurry, and bustle" (Social Doctrine in Action, Harper, 1941, p. 62). This same attitude of utter truthfulness runs through all his writings, as it dominated the man himself. "The law of truth was in his mouth, and iniquity was not found in his lips" (Malachias 2: 5).

But God's paradox had worked itself out. The Seat of Wisdom had declared: "He has put down the mighty from their thrones, and has exalted the lowly" (Luke 1: 52). Indeed, the childlike simplicity of John Ryan had made of him a man of judgment, of courage, and of breadth of view.

Judgment, he had, to separate fact from make-believe; and when he rendered judgment, there was none that did not know its meaning. Courage, he had, but it was the courage that the God of hosts vouchsafes only to those who fight for the right. Breadth of view, he had, both of God's world and of God's church, as witness his desire for a study to discover whether the status of the church in Catholic countries is not in direct proportion to the degree to which the peoples of these countries have sought to carry out the Catholic program for social justice and to live it in their daily lives.

This morning I venture the prophecy: He will stand in our country almost alone, to offset the sentence of condemnation that future generations will justly pass upon our own, that whereas we have made revolutionary advances in scientific research in behalf of things we have made little, if any, progress in the high science of social thinking in behalf of human beings.

Such is the man and such is the priest whose mortal remains we consign to the earth today. His soul can be happy and his bereaved brothers and sisters can even rejoice in the assurance of St. Paulinus of the fourth century: "It is one thing to pray for yourself. It is quite another for a multitude to clamor to God for you." With the faith that is ours, we can confidently hope that the uncounted thousands whose cause he espoused have already prevailed for him at the seat of divine mercy.

O angels of God, if eternal Justice, before whom no man stands without fault, still holds him in the prison house of suffering, lift up the bars and admit this valiant champion of justice and charity into the mansions of peace and of rest. Amen.

Reorganization Bill

EXTENSION OF REMARKS

OF

HON. JOSEPH J. MANSFIELD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 1945

Mr. MANSFIELD of Texas. Mr. Speaker, the Committee on Expenditures of the House of Representatives has reported out a reorganization bill, H. R. 4129 giving the President broad author-

ity to reorganize the executive department of the Government. This bill exempts the civil functions of the Corps of Engineers of the Army from any reorganization or transfer out of the War Department or from the jurisdiction of the Corps of Engineers.

Every waterway organization and everyone interested in waterways will desire to work assiduously to see that the aforesaid exemption remains inviolate in the bill during its passage through the House and the Senate.

The Hoover Formula

EXTENSION OF REMARKS

OF

HON. GEORGE W. GILLIE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 1945

Mr. GILLIE. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following editorial from the Fort Wayne (Ind.) News-Sentinel:

THE HOOVER FORMULA

Former President Hoover's analysis of what the United States can do, and should do, in the matter of postwar loans and assistance to foreign governments, should be studied carefully by every American who is anxious to help the other countries, but who is interested at the same time in going about it in the wisest, safest way.

In his talk before the Chicago Executives Club, Mr. Hoover expressed first a sentiment with which all will agree: "Let me say at the outset that I favor such financial assistance, under safeguards and limitations. * * * We in America can let no child, woman, or man starve—whether friend or enemy—as long as we have an ounce of surplus."

But at the same time, he said, "When it comes to financial assistance for postwar reconstruction, if we act without wisdom and without regard to experience, far from curing the ills of the world we will make them worse."

With that premise established, the former President pointed out an elemental truth, and one that should be understood by everyone, both here and abroad.

"Europe is much more greatly impoverished by this war than the last one. But, Europe should not ignore the fact that we also are far more greatly impoverished by this war than the last one."

"American recovery and financial stability is the first need of the world. Unless we recover, no one will recover. There is a limit to the aid 30,000,000 American families can give to the 300,000,000 families abroad who are hoping for our postwar help."

Mr. Hoover's considered judgment is that even though our hope of collecting lend-lease debts is very slight, they should not be written off the books now, but that "we should, instead, propose a world-wide moratorium on all intergovernmental war debt, and 5 years hence, when the shape of the world is more clear, we should join our allies in settling the disposition of all such debts."

It is his belief also that we should not open credits to foreign countries until the considerable balances which some of those countries still have in the United States are exhausted.

"We cannot afford," said Mr. Hoover, "to just make general loans or give unrestricted financial aid as our Government did in part after the last war. We cannot today afford having our resources used to keep up armies,

Sept.
27.

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued September 28, 1945, for actions of Thursday, September 27, 1945)

(For staff of the Department only)

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HIGHLIGHTS: Sen. Wiley criticized butter and cheese rationing. Senate continued debate on full-employment bill. Sen. Moore criticized the President's recommendations with regard to price controls, unemployment compensation, and full-employment. Rep. Miller introduced bill to discontinue beef rationing. House Rules Committee reported resolution for consideration of revised reorganization bill.

SENATE

1. FULL-EMPLOYMENT. Continued debate on this bill, S. 380 (pp. 9196-218, 9220-2). After discussing Sen. Radcliffe's (Md.) amendment that would prohibit national expenditures from exceeding national income Sen. Hatch, N.Mex., submitted a substitute amendment "which merely insists that the [full-employment] program to meet unemployment shall be geared into the local public interest" (pp.9220-2). Sen. Taft, Ohio, stated, "Today we are spending nearly \$2,000,000,000 on food subsidies. If we wish to give money away, a system of subsidies is the easiest way to do it." and "I do not believe that...public spending, aside from public works, will produce employment" (p. 9214).
2. BUTTER AND CHEESE RATIONING. Sen. Wiley, Wis., urged discontinuance of butter and cheese rationing and inserted a Wis. Legislature resolution on the subject (pp. 9191-2).
3. FLOOD CONTROL. Sen. Capper, Kans., inserted a Mo. Counties' Citizens' Regional Planning Council resolution urging construction of flood-control works in the Kans. and Mo. area (p. 9192).
4. PRICE CONTROL; RATIONING; SURPLUS PROPERTY. Sen. Butler, Nebr., inserted an Associated Needle Industries resolution urging Congressional action to promote free enterprise, expedite disposal of surplus property, abolish unnecessary price and material controls (p. 9192).
5. EGG AND POULTRY PRICES. Sen. Langer, W.Dak., inserted constituents' letters urging action to maintain present egg and poultry prices (p. 9194).
6. PRICE CONTROL; FOOD SUPPLY; EMPLOYMENT; BUREAUCRACY. Sen. Moore, Okla., criticized the President's recommendations in his message to Congress for continued price controls, unemployment compensation, and full-employment policy, stating

that "artificially-fixed" prices "caused a serious lag in [food] supply," that the proposed "post-war Budget of approximately \$25,000,000,000" exceeds the most "optimistic estimate of national income," that "a great national bureaucracy must be set up," and that "deficit spending by Government is an inflationary force" (pp. 9222-5)

7. TAXATION, S. 1281, as reported by the Territories and Insular Affairs Committee Sept. 26, would transfer to the Philippines funds received by the U.S. as excise and import taxes on oils, and taxes levied under the Sugar Act of 1937 (S. Rept. 592).

HOUSE

8. PERSONNEL; RETIREMENT ANNUITY TAXATION. Passed without amendment H.R. 2948, to amend the Civil Service Retirement Act so as to exempt annuity payments under such Act from taxation (pp. 9236-48), after rejecting, 155-177, the recommendation of the Committee of the Whole House to strike out the enacting clause (pp. 9245-7), and rejecting Rep. Knutson's (Minn.) motion to recommit the bill (p. 9247).

During debate on this bill Rep. Smith, Ohio, stated, "This is a tax measure and should have been referred to the Committee on Ways and Means" and Rep. Rees, Kans., stated, "This is a civil-service measure and was correctly referred to the Committee on Civil Service" (p. 9237).

9. REORGANIZATION BILL. Rules Committee reported a resolution for the consideration of H.R. 4129, the revised reorganization bill (pp. 9234, 9259).
10. HIGHWAY CONSTRUCTION. Agreed without amendment to H. Con. Res. 81, providing that the war emergency has been relieved to such an extent to justify proceeding with the highway-construction program under the Federal-Aid Highway Act (pp. 9248-9).
11. UNEMPLOYMENT COMPENSATION. Rep. Rich, Pa., criticized the unemployment-compensation proposal "when we have 4,000,000 jobs going begging" (p. 9235).
12. PRICE CONTROL. Rep. Vursell, Ill., criticized OPA policy on price and production controls and their effect on small business and employment (pp. 9257-8).
13. EDUCATION; FARM SECURITY. Received the Commissioner of Education's quarterly report on Education and Training of Defense Workers. To Appropriations Committee. (p. 9259.)
14. ADJOURNED until Mon., Oct. 1 (p. 9258).

BILLS INTRODUCED

15. EDUCATION, S. 1440, by Sen. Fulbright, Ark., authorizing use of credits established through the sale of surplus properties abroad for the promotion of international good will through the exchange of students. To Military Affairs Committee. Remarks of author. (pp. 9193-4)
16. RATIONING. H.R. 4197, by Rep. Miller, Nebr., to terminate beef rationing. To Banking and Currency Committee. (p. 9259.)
17. PERSONNEL; RETIREMENT. H.R. 4199, by Rep. Vinson, Ga., to extend the existing contributory system of retirement benefits to elective officers and department heads. To Civil Service Committee. (p. 9259.) Remarks of author (pp. 9251-7).

18. TERMINATION OF WAR. H.J.Res. 245, by Rep. Miller, Conn., to declare Sept. 2, 1945, as the date of termination of the present war. To Judiciary Committee. (p. 9257).
19. VETERANS. H.R. 4203, 4206.

ITEMS IN APPENDIX

20. BEEF RATIONING. Extension of remarks of Rep. Miller, Nebr., criticizing beef rationing (p. A4397).
21. RETIREMENT; ANNUITY TAXATION. Extension of remarks of Rep. Adams, N.H., favoring exemption from taxation of small annuity payments under the Civil Service Retirement Act (p. A4400).
22. PRICE CONTROL. Rep. Jensen, Iowa, inserted a Shenandoah Sentinel's editorial criticizing OPA's administration of price controls (p. A4382).
23. REORGANIZATION. Extension of remarks of Rep. Schwabe, Okla., urging abolition of bureaus created by Executive Order (pp. A4382-3).
24. FULL EMPLOYMENT; VETERANS. Extension of remarks of Rep. Douglas, Calif., urging full employment for the veteran's benefit (p. A4386).
25. UNEMPLOYMENT COMPENSATION. Extension of remarks of Rep. Schwabe, Okla., opposing the unemployment-compensation bill and including a constituent's letter on the subject (pp. A4388-9).
26. SOIL CONSERVATION. Sen. Radcliffe, Md., inserted Mrs. C. F. Weagly's address urging a national-fertilizer program for the improvement of the soil (pp. 4379-80).
27. ST. LAWRENCE SEAWAY. Sen. Shipstead, Minn., inserted a Chicago Daily News editorial favoring a power-resources-development clause in the St. Lawrence-Seaway project (p. A4381).
- Sen. Aiken, Vt., inserted the Democrat and Chronicle's (Rochester, N.Y.) and the Vindicator's (Youngstown, Ohio) editorials favoring the St. Lawrence Seaway project (pp. A4385-6).
- Extension of remarks of Rep. Butler, N.Y., opposing the St. Lawrence-Seaway project (pp. A4387-8).

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For supplemental information and copies of legislative material referred to call Ext. 4654, or send to Room 112 Adm. Arrangements may be made to be kept advised, routinely, of developments on any particular bill.

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ITEMS IN FEDERAL REGISTER Sept. 26, 1945

28. SURPLUS PROPERTY Board regulations on disposal of surplus personal property to Government agencies and State and local governments, refund accounts for purchasers, and financial reports by disposal agencies (pp. 12121, 12123, 12124).

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COMMITTEE HEARINGS ANNOUNCEMENTS for Sept. 28: S. Education and Labor, 65¢ minimum wage; S. Irrigation and Reclamation, MVA bill; H. Appropriations, deficiency bill (ex.); H. Expenditures in the Executive Departments, full employment; Special Committee to Investigate Executive Agencies, cost absorption in retail pricing program.

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Austin J. Dickinson, Riverside, Wash. Office became Presidential July 1, 1945.

WEST VIRGINIA

John J. Balassone, Albert, W. Va. Office became Presidential July 1, 1945.

Edgar D. Combs, Augusta, W. Va. Office became Presidential July 1, 1945.

Martin D. Welsh, Bakerton, W. Va. Office became Presidential July 1, 1945.

Nancy R. Browning, Barnabus, W. Va. Office became Presidential July 1, 1945.

Charles R. Cunningham, Baxter, W. Va. Office became Presidential July 1, 1945.

Gladys P. Frazier, Beards Fork, W. Va. Office became Presidential July 1, 1945.

Irma Botkin, Big Chimney, W. Va. Office became Presidential July 1, 1945.

Mamie P. Maynor, Bluecreek, W. Va. Office became Presidential July 1, 1945.

James D. Mode, Cinderella, W. Va. Office became Presidential July 1, 1945.

Wilda Y. Shannon, Coalton, W. Va. Office became Presidential July 1, 1945.

Ruby Williams, Drybranch, W. Va. Office became Presidential July 1, 1945.

John U. Hevener, Dunmore, W. Va. Office became Presidential July 1, 1945.

Maude S. Walker, Fort Ashby, W. Va. Office became Presidential July 1, 1945.

Jesse P. James, Frametown, W. Va. Office became Presidential July 1, 1945.

Stanley A. Patton, Gap Mills, W. Va. Office became Presidential July 1, 1945.

George O. Morris, Gay, W. Va. Office became Presidential July 1, 1945.

James F. Lewis, Gerradstown, W. Va. Office became Presidential July 1, 1945.

Arthur E. Stacey, Glen Ferris, W. Va. Office became Presidential July 1, 1945.

Arietta J. Allen, Green Spring, W. Va. Office became Presidential July 1, 1945.

Orville G. Toney, Hansford, W. Va. Office became Presidential July 1, 1945.

Alice B. Chapman, Hartford, W. Va. Office became Presidential July 1, 1945.

Shirley L. Diddle, Henderson, W. Va. Office became Presidential July 1, 1945.

Lillie B. Sharps, Independence, W. Va. Office made Presidential July 1, 1945.

Vennie B. Coleman, Itmann, W. Va. Office became Presidential July 1, 1945.

Maurice H. Smith, Killarney, W. Va. Office became Presidential July 1, 1945.

Lester H. Harman, Kingmont, W. Va. Office became Presidential July 1, 1945.

Mollie Davis, Lavalette, W. Va. Office became Presidential July 1, 1945.

Nellie Robinette, McConnell, W. Va. Office became Presidential July 1, 1945.

Thomas F. Dick, Maitland, W. Va. Office became Presidential July 1, 1945.

Ruby E. Garten, Meadow Creek, W. Va. Office became Presidential July 1, 1945.

Clara M. Hall, Miami, W. Va. Office became Presidential July 1, 1945.

Kathryne Marlow, Palestine, W. Va. Office became Presidential July 1, 1945.

William Baxter Harvey, Premier, W. Va. Office became Presidential July 1, 1945.

Harley Z. Moore, Smithburg, W. Va. Office became Presidential July 1, 1945.

Aubrey J. Bishop, Summerlee, W. Va. Office became Presidential July 1, 1945.

Marjorie Hamilton, Switzer, W. Va. Office became Presidential July 1, 1945.

Nancy Sinclair, West Milford, W. Va. Office became Presidential July 1, 1945.

Lloyd C. Gwinn, Whipple, W. Va. Office became Presidential July 1, 1945.

Arthur Downing, Wilkinson, W. Va. Office became Presidential July 1, 1945.

WISCONSIN

Hattie M. Gannon, Armstrong Creek, Wis. Office became Presidential July 1, 1945.

Donald E. Chapman, Ashippun, Wis. Office became Presidential July 1, 1945.

Charles H. Barlow, Briggsville, Wis. Office became Presidential July 1, 1945.

Frank W. Zetzman, Fall Creek, Wis., in place of H. E. Steinbring, resigned.

Omar F. Huebner, Ixonia, Wis. Office became Presidential July 1, 1945.

Edgar H. Bradley, Pickett, Wis. Office became Presidential July 1, 1945.

Kate M. Pottie, Stockbridge, Wis. Office became Presidential July 1, 1945.

WYOMING

Floyd M. Vaughn, Clearmont, Wyo. Office became Presidential July 1, 1945.

Warren Clark, Frannie, Wyo. Office became Presidential July 1, 1945.

Clifford A. Kizzire, Granger, Wyo., in place of R. R. Steenburgen, resigned.

William R. Kirlin, Lagrange, Wyo. Office became Presidential July 1, 1945.

Florence B. Robertson, Manderson, Wyo. Office became Presidential July 1, 1945.

House of Representatives

THURSDAY, SEPTEMBER 27, 1945

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Strong Son of God, in this era of confusion, draw all hearts to Thee and lift us above all impediments; when the clouds lower and the tides are adverse, give us that inner force which increases our usefulness many times. In every emergency, we pray for a cooperative and loyal citizenship which realizes that the true way of a nation is to work and earn, to save and give. Not by might nor by power, but by my spirit, saith the Lord.

Our country has a commission to carry out, though its path be of pain or of difficulty; O bring men to their senses; cleanse all minds of unwise impulses that stand in the way of duty and responsibility; take away all hindrances from wise decisions, and remove the yoke from the oppressed of every rank and station, however diverse in circumstances and character. In these crippled times, O give us such a power as we have never before felt, losing ourselves in healing the wounds of an uprooted world. Let Thy guidance today be a token of Thy goodness and of our worthiness. We pray in Jesus' name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On September 18, 1945:

H. R. 3907. An act to provide for administration of the Surplus Property Act of 1944 by a Surplus Property Administrator.

On September 20, 1945:

H. R. 3644. An act to amend the Veterans Regulations to provide additional rates of compensation or pension and remedy inequalities as to specific service-incurred disabilities in excess of total disability.

On September 22, 1945:

H. R. 999. An act for the relief of Lily L. Caren;

H. R. 1057. An act for the relief of the legal guardian of Margaret Hockenberry, a minor;

H. R. 1257. An act for the relief of George C. Tyler and Doris M. Tyler;

H. R. 1564. An act for the relief of William W. Maddox and the legal guardian of Donna Sue Maddox and Saddle Inez Maddox;

H. R. 1913. An act for the relief of Aloysius G. Miller;

H. R. 2028. An act for the relief of John Visnovec, Rose Visnovec, and Helen Visnovec;

H. R. 2089. An act for the relief of Edmund F. Danks, as administrator of the estate of Edna S. Danks, deceased;

H. R. 2163. An act for the relief of Teresa Tine;

H. R. 2511. An act for the relief of Patricia W. Kacprzyk and Alex D. Leontire; and

H. R. 2641. An act for the relief of Frank Gien.

On September 24, 1945:

H. R. 241. An act for the relief of Mrs. Ruby H. Hunsucker;

H. R. 799. An act for the relief of the estate of Stanley E. Smallwood; to the legal guardian of Frank Carter, Jr., a minor; to the legal guardian of Donald R. Keithley, a minor; to Keithley Bros. Garage;

H. R. 1922. An act to authorize the sale of certain public lands in Alaska to the Catholic bishop of Alaska, in trust for the Roman Catholic Church; and

H. R. 1882. An act for the relief of R. L. Whittington, Mrs. R. L. Whittington, and Mrs. J. B. Whittington.

On September 25, 1945:

H. R. 1456. An act for the relief of George E. Baker; and

H. R. 3974. An act to provide for termination of daylight-saving time.

On September 26, 1945:

H. R. 1713. An act for the relief of Canal Dredging Co.; and

H. R. 3686. An act to authorize the Commissioner of the General Land Office and the registers of the land offices in Alaska to perform functions under the Alaska real property ownership declaration law.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 3951. An act to stimulate volunteer enlistments in the Regular Military and Naval Establishments of the United States.

PERMISSION TO ADDRESS THE HOUSE

Mr. HAYS. Mr. Speaker, I ask unanimous consent that on Monday next, after disposition of matters on the Speaker's table and at the conclusion of any special orders heretofore entered, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that on today, after disposition of business on the Speaker's table and at the conclusion of any special orders heretofore entered, I may be permitted to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

EXTENSION OF REMARKS

Mr. LANE asked and was given permission to extend his remarks in the Appendix of the RECORD and to include an address.

Mr. CELLER asked and was given permission to extend his remarks in the RECORD in two instances.

AUTHORIZING ADMISSION INTO THE UNITED STATES OF PERSONS INDIGENOUS TO INDIA

Mr. SABATH, from the Committee on Rules, reported the following resolution (H. Res. 361, Rept. No. 1029), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 3517) to authorize the admission into the United States of persons of races indigenous to India, to make them racially eligible, for naturalization, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Immigration and Naturalization, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same back to the House with such amendments as shall have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

REORGANIZATION OF AGENCIES OF THE GOVERNMENT

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution (H. Res. 360, Rept. No. 1028), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H. R. 4129) to provide for reorganizing agencies of the Government, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 4 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Expenditures in the Executive Departments, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

EXTENSION OF REMARKS

Mr. GATHINGS asked and was given permission to extend his remarks in the RECORD and include an editorial appearing in the Batesville (Ark.) News Review.

3367) to amend Public Law 44, Seventy-eighth Congress, as amended.

(Thursday, October 18, 1945)

The Committee on the Merchant Marine and Fisheries will hold a public hearing Thursday, October 18, 1945, at 10 a. m., on H. R. 2346, the seamen's bill of rights, to provide aid for the readjustment in civilian life of those persons who rendered war service in the United States merchant marine during World War II, and to provide aid for the families of deceased war-service merchant seamen.

COMMITTEE ON PATENTS

(Tuesday, October 2, 1945)

The Committee on Patents will hold a public hearing Tuesday, October 2, 1945, at 10:30 a. m. on H. R. 2111 and H. R. 4079, to extend temporarily the time for filing applications for letters patent, and for other purposes. Hearings will be held in the committee room, 416 Old House Office Building. Anyone desiring to give testimony should notify the clerk of the committee prior to date of hearing.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(Tuesday, October 9, 1945)

The Interstate and Foreign Commerce Committee, or a subcommittee thereof, will meet at 10 a. m., Tuesday, October 9, to begin hearings on H. R. 2536, the Bulwinkle bill.

Various groups who have representation in Washington will be heard during the first week, such as Members of Congress first, the Interstate Commerce Commission, the National Association of Railroad and Utilities Commissioners, Association of American Railroads, railroad traffic organizations, railroad labor, and truck and bus associations.

The second week will be devoted to various State commissions, agricultural associations, National Industrial Traffic League, and various citizens' traffic associations and traffic boards and chambers of commerce.

It is going to be necessary to limit the time for this hearing as much as possible. It is also desired to avoid any repetition in statements before the committee.

The committee would be pleased to have those who are intending to appear to advise the Clerk promptly the least amount of time they will need in which to present their testimony.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

693. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the fiscal year 1946 in the amount of \$30,300 for the District of Columbia (H. Doc. No. 291); to the Committee on Appropriations and ordered to be printed.

694. A letter from the chairman, President's Committee on Fair Employment Practice, transmitting an amendment to its quarterly estimate of personnel requirements covering the quarter ending December 31, 1945; to the Committee on the Civil Service.

695. A letter from the Chairman, National Mediation Board, transmitting quarterly

estimate of personnel requirements for the National Mediation Board, including the National Railroad Adjustment Board and the National Railway Labor Panel, for the period ending December 31, 1945; to the Committee on the Civil Service.

696. A letter from the Acting Administrator, Federal Security Agency, transmitting the fourth quarterly report of the United States Commissioner of Education on the Education and Training of Defense Workers, covering the period beginning April 1, 1945, and ending June 30, 1945; to the Committee on Appropriations.

697. A letter from the Comptroller General of the United States, transmitting his report and recommendation concerning the claim of William Wilson Wurster against the United States; to the Committee on Claims.

698. A letter from the Postmaster General, transmitting the Cost Ascertainment Report and Appendix for the fiscal year 1944; to the Committee on the Post Office and Post Roads.

699. A letter from the Acting Secretary of the Navy, transmitting a summary of the reports of claims for damages resulting from the explosions at the naval magazine, Port Chicago, Calif., which occurred on July 17, 1944; to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Virginia: Committee on Rules. H. Res. 360. Resolution providing for the consideration of H. R. 4129, a bill to provide for reorganizing agencies of the Government, and for other purposes; without amendment (Rept. No. 1028). Referred to the House Calendar.

Mr. SABATH: Committee on Rules. H. Res. 361. Resolution providing for the consideration of H. R. 3517, a bill to authorize the admission into the United States of persons of races indigenous to India, to make them racially eligible for naturalization, and for other purposes; without amendment (Rept. No. 1029). Referred to the House Calendar.

Mr. BOYKIN: Committee on Patents. H. R. 4080. A bill to amend section 476, Revised Statutes (U. S. C., title 35, sec. 2), providing for officers and employees of the Patent Office, and for other purposes; without amendment (Rept. No. 1030). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRYSON: Committee on the Judiciary. S. 565. An act to extend the privilege of retirement to the judges of the District Court for the District of Alaska, the District Court of the United States for Puerto Rico, the District Court of the Virgin Islands, and the United States District Court for the District of the Canal Zone; with amendment (Rept. No. 1031). Referred to the Committee of the Whole House on the State of the Union.

Mr. BYRNE of New York: Committee on the Judiciary. S. 805. An act to insure further military security of the United States by preventing disclosures of information secured through official sources; without amendment (Rept. No. 1032). Referred to the Committee of the Whole House on the State of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 4173) granting a pension to Clara M. Stowe,

and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DEWART:

H. R. 4195. A bill to provide for adjustments in connection with the Crow irrigation project, Crow Indian Reservation, Mont.; to the Committee on Indian Affairs.

H. R. 4196. A bill to provide for removal of restrictions on property of Indians who serve in the armed forces; to the Committee on Indian Affairs.

By Mr. MILLER of Nebraska:

H. R. 4197. A bill to terminate rationing in the case of beef; to the Committee on Banking and Currency.

By Mr. VINSON:

H. R. 4198. A bill to provide additional inducements to citizens of the United States to make the United States Navy a career; to the Committee on Naval Affairs.

H. R. 4199. A bill to extend the existing contributory system of retirement benefits to elective officers of the United States and heads of executive departments; to the Committee on the Civil Service.

By Mr. PATMAN:

H. R. 4200. A bill relating to the tax treatment of chain stores operated at a loss; to the Committee on Ways and Means.

H. R. 4201. A bill relating to certain discriminatory pricing practices affecting commerce; to the Committee on the Judiciary.

By Mr. DOYLE:

H. R. 4202. A bill to meet the immediate emergency caused by the closing of the wartime child care services; to the Committee on Public Buildings and Grounds.

By Mr. DE LACY:

H. R. 4203. A bill to amend the Servicemen's Readjustment Act of 1944; to the Committee on World War Veterans' Legislation.

By Mr. KEARNEY:

H. R. 4204. A bill to amend the act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," as amended; to the Committee on Military Affairs.

By Mr. ROE of New York:

H. R. 4205. A bill to amend the act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923, as amended; to the Committee on Military Affairs.

By Mr. SCHWABE of Oklahoma:

H. R. 4206. A bill to increase the estate tax specific exemption in the case of estates of members of the armed forces who died during the war; to the Committee on Ways and Means.

By Mr. VINSON:

H. R. 4207. A bill to grant to personnel in the naval forces certain benefits with respect to accumulated leave, and for other purposes; to the Committee on Naval Affairs.

By Mr. PATMAN:

H. Con. Res. 90. Concurrent resolution authorizing the Select Committee to Conduct a Study and Investigation of the National Defense Program in Its Relation to Small Business in the United States, House of Representatives, to have printed for its use additional copies of parts 1 and 2 of the hearings on financial problems of small business held before said committee during the current session; to the Committee on Printing.

By Mr. MILLER of Nebraska:

H. J. Res. 245. Joint resolution to declare September 2, 1945, as the date of the cessation of hostilities in the present war; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BALDWIN of Maryland:

H. R. 4208. A bill for the relief of the Calvert Distilling Co.; to the Committee on Ways and Means.

By Mr. BARTLETT:

H. R. 4209. A bill for the relief of Jacob A. Johnson; to the Committee on Claims.

By Mr. CLEMENTS:

H. R. 4210. A bill for the relief of the estate of Bob Clark; to the Committee on Claims.

H. R. 4211. A bill for the relief of the estate of George D. Croft; to the Committee on Claims.

By Mr. CURLEY:

H. R. 4212. A bill for the relief of Michael A. Driscoll; to the Committee on Claims.

H. R. 4213. A bill for the relief of Emmanuel Coutoulakis; to the Committee on Claims.

H. R. 4214. A bill to confer jurisdiction upon the United States District Court of Massachusetts to hear, determine, and render judgment upon the claim of Benjamin Babine; to the Committee on Claims.

By Mr. GORSKI:

H. R. 4215. A bill for the relief of Jane O'Malley; to the Committee on Claims.

By Mr. HARLESS of Arizona:

H. R. 4216. A bill for the relief of Cristina Gallego; to the Committee on Immigration and Naturalization.

By Mr. LANDIS:

H. R. 4217. A bill granting a pension to Nellie V. Chambers; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred, as follows:

1197. By Mr. CLASON: Petition of Altis Chapter, No. 85, Order of Ahepa, of Springfield, Mass., urging that the Council of Foreign Ministers grant the claims of Greece for due reparations, the annexation of Epirus, the Dodecanese, and Cyprus, and the rectification of the Bulgarian boundary to a line which will provide the maximum natural defense from Bulgaria; to the Committee on Foreign Affairs.

1198. By Mr. LUTHER A. JOHNSON: Memorial of Joe M. Tatum, FSA committeeman, route 1, Barry, Tex., and G. W. Watkins, FSA committeeman, route 2, Corsicana, Tex., protesting against the Tarver amendment; to the Committee on Agriculture.

1199. By Mr. ROWAN: Petition of City Council of City of Chicago, requesting the War Department to arrange for demobilization of the Thirty-third Infantry Division as unit, at or near Chicago; to the Committee on Military Affairs.

1200. By the SPEAKER: Petition of Oklahoma Colored Democratic Association, petitioning consideration of their resolution with reference to legislation to establish a hospital for Negro veterans; to the Committee on World War Veterans' Legislation.

1201. Also, petition of district No. 8, United Gas, Coke, and Chemical Workers of America, CIO, petitioning consideration of their resolution with reference to their support of H. R. 7; to the Committee on the Judiciary.

1202. Also, petition of the American Geophysical Union, petitioning consideration of their resolution with reference to the mapping by the United States Coast and Geodetic Survey and the United States Geological Survey; to the Committee on Appropriations.

1203. Also, petition of the executive committee of the Arkansas Valley Ditch Association, petitioning consideration of their resolution with reference to the so-called authority bills before the Congress; to the Committee on Rivers and Harbors.

I had to leave college during my senior year. It would please me very much if my brother could finish his last year of high school. If the war wasn't over, I wouldn't think of making this request to you.

One thing more I want to add: As a citizen, I am not satisfied with the investigations conducted so far concerning Pearl Harbor. I don't think the truth could ever have an ill effect upon Americans. I think it should have been told to us even during the war regardless of its nature. Now that the war is over, the holding back of the truth makes me wonder if I haven't given up the last 2 years of my life for nothing at all. Freedom of the press, of speech, of thought, and the right to know the truth, that is why I have been away from home for two and a half years; isn't it? If those traditions and ideals are some of the reasons why we fought this war, why are they being cast out the window right in the very seat of our National Government? The people look toward Washington and the men we have placed there in positions of honor and trust for examples of the highest kind in American traditions and ideals, and what have we got?

Consider this letter as the opinion of one citizen whom you represent, but please consider it.

St. Lawrence Seaway

EXTENSION OF REMARKS

OF

HON. HENRIK SHIPSTEAD

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Thursday, September 27 (legislative day of Monday, September 10), 1945

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent to have printed in the Appendix of the RECORD an editorial entitled "We Need Power Plus the Seaway," from the Chicago Daily News.

There being no objection, the editorial was ordered to be printed in the RECORD as follows:

WE NEED POWER PLUS THE SEAWAY

Gov. Thomas E. Dewey insists that the pending St. Lawrence seaway legislation shall not drop the development of hydroelectric power in the International Rapids. Some Senators had proposed to build a seaway for navigation only, the byproduct power development to come later, if ever.

Governor Dewey is right. As Governor of New York it is his duty to see that the power rights of that State are not infringed. Those rights are public property, belonging to the State of New York. Although the title is in New York, the benefits of St. Lawrence power will be shared by the entire country and Canada as well.

This newspaper has always supported the St. Lawrence seaway project. Opening the Great Lakes to the shipping of all the world is a plan on the order of the Suez and Panama canals. It is a world necessity.

To oppose it is to set one's face against greater prosperity for all the world. To oppose the seaway is to fight Chicago's destiny in world trade as a world metropolis.

But if the St. Lawrence seaway were wholly unfeasible as a navigation project the Daily News would still advocate the development of every potential kilowatt of hydroelectric power in the St. Lawrence River. Failure to harness the river is unpardonable waste of a great resource. This has been true ever since the turbines began to whirl below Niagara. But the discovery of atomic energy adds untold value to St. Lawrence power.

But for the abundance of hydroelectric power at Bonneville and Grand Coulee on the Columbia River, and at TVA dams and the great volumes of cold water available in the Columbia and Tennessee, the harnessing of atomic energy would have been vastly more difficult and costly. The cold St. Lawrence is another natural for the production of atomic energy—whether for defense or for peaceful production.

As a part of the world's longest undefended boundary between two nations, the St. Lawrence has been a symbol of the type of international cooperation the world seeks. It has been a symbol of hope for the future. Let us keep it a symbol by opening it and the Great Lakes to world shipping, and linking it with the world of unprecedented power that lies ahead.

Presidential Tenure

EXTENSION OF REMARKS

OF

HON. HUGH BUTLER

OF NEBRASKA

IN THE SENATE OF THE UNITED STATES

Thursday, September 27 (legislative day of Monday, September 10), 1945

Mr. BUTLER. Mr. President, I ask unanimous consent to have inserted in the Appendix of the RECORD a statement made by me before the subcommittee of the Judiciary Committee in support of Senate Resolution 1, proposing an amendment to the Constitution limiting the Presidential tenure to two 4-year terms.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Since the birth of our Republic, and up to 1940, tradition had established as a maximum two 4-year terms for Presidential tenure of office.

Four years was considered sufficient time for the incumbent to formulate his policies and make them plain to the Nation. He could then ask for four additional years in which to carry out the Presidential program.

This has been the tradition, cherished and upheld, with only one exception, by all the Presidents of the United States.

During the past decade we have unfortunately witnessed the destruction of this wise practice. The struggle to perpetuate one-man rule, though legal, and not in violation of constitutional provision, was certainly in open defiance of well-established tradition. It exceeded the recognized and accepted tenure policies of our Republic and opened the way to life tenure and ultimate dictatorship.

To safeguard the American people against future abuse of the Presidential term, we must restore the tradition discarded in 1940 and make impregnable by constitutional amendment, a limitational provision respecting the number of Presidential terms.

For this purpose I have introduced Senate Joint Resolution 1 which is now before the Senate Judiciary Committee. It provides that no person shall be eligible to hold the office of President if he has already been elected to or has held such office during the whole or any part of each of any two prior terms.

Though similar resolutions have been introduced relating to the terms of office of the President, it is my belief that Senate Joint Resolution 1 more clearly defines the exact time limit to this high office and eliminates

future misinterpretations growing out of ambiguous phraseology.

If acceptable to the committee, Senate Joint Resolution 1 will accomplish what the American people want—equality of chance and the elimination of unlimited succession in office by any one man.

In a republic there is no room for selfish individual aims and no place for the foundation of permanent dictatorship.

The Nation is now face to face with the unhappy fact that tradition is not sufficient to prevent the possible rise of a dictator in this country. No one believed the tradition would ever be violated until it was. No one believed that it would be violated by more than one term, but it was. It therefore becomes perfectly apparent that if a man young enough, brilliant enough, determined enough, and clever enough should get into the Presidency he could cite precedent to run not only for a third term, and a fourth term, but a fifth term and a sixth term. Each term in the Presidency would make him stronger and more impregnable in his position, so that after a matter of three terms he would not only have appointed nearly the whole of the judiciary, but he would have such a machine built up, he would have such power established, he would have such fear engendered that no one would dare openly oppose him.

We must go back to the wisdom of Lincoln who in addressing the Young Men's Lyceum, of Springfield, Ill., on January 27, 1837, spoke as follows:

"It is to deny what the history of the world tells us is true, to suppose that men of ambition and talents will not continue to spring up amongst us. And when they do, they will as naturally seek the gratification of their ruling passion as others have done before them. The question then is, can that gratification be found in supporting and maintaining an edifice that has been erected by others? Most certainly it cannot. Many great and good men, sufficiently qualified for any task they should undertake, may ever be found whose ambition would aspire to nothing beyond a seat in Congress, a gubernatorial or a Presidential chair; but such belong not to the family of the lion, or the tribe of the eagle. What! Think you these places would satisfy an Alexander, a Caesar, or a Napoleon? Never. Towering genius disdains a beaten path. It seeks regions hitherto unexplored. It sees no distinction in adding story to story upon the monuments of fame erected to the memory of others. It denies that it is glory enough to serve under any chief. It scorns to tread in the footsteps of any predecessor, however illustrious. It thirsts and burns for distinction; and if possible, it will have it, whether at the expense of emancipating slaves or enslaving freemen. It is unreasonable then, to expect that some man possessed of the loftiest genius, coupled with ambition sufficient to push it to its utmost stretch, will at some time spring up among us? And when such a one does, it will require the people to be united with each other, attached to the Government and laws, and generally intelligent, to successfully frustrate his designs."

A Stronger Conciliation Service

EXTENSION OF REMARKS

OF

HON. GLEN H. TAYLOR

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Thursday, September 27 (legislative day of Monday, September 10), 1945

Mr. TAYLOR. Mr. President, I ask unanimous consent to have printed in

the Appendix of the RECORD an editorial entitled "A Stronger Conciliation Service," published in the Journal of Commerce of New York City of date September 25, 1945. The editorial comments upon the bill recently introduced by the Senator from Connecticut [Mr. McMAHON] dealing with labor problems.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A STRONGER CONCILIATION SERVICE

Secretary of Labor Schwellenbach has made the strengthening of the United States Conciliation Service a major objective of his administration of the Labor Department. With more than 300,000 workers on strike at the moment, and with additional walk-outs looming immediately ahead, the need for this course cannot be questioned.

Senator BRIEN McMAHON, of Connecticut, has introduced a bill that is designed to strengthen the prestige and organization of the Conciliation Service to an extent not possible by administrative action alone. Holding that civil service salary restrictions limit the effectiveness of the Conciliation Service, he would set up a Conciliation and Mediation Division within the Department of Labor, headed by an administrator appointed by the President who would be authorized to "appoint such experts, moderators, conciliators, and their assistants and fix their compensation as may be necessary to carry out the division's functions." Experts from the War Labor Board's disputes division would be transferred to the new Conciliation Division to assure competent personnel.

Senator McMAHON's bill contains no controversial compulsory arbitration provisions, such as have aroused strong opposition to the Ball-Burton-Hatch bill. The McMahon proposal provides for a United States Board of Arbitration, but its use is to be purely voluntary. Where arbitration is refused, the parties to the dispute retain full liberty of action, although the President is authorized to appoint a board of inquiry to study the causes of a strike and publicize them.

Every effort should be made to strengthen the Conciliation Service so that it can operate to reduce the number of strikes within the framework of collective bargaining. The McMahon bill provides a promising means of attaining this result. Early action upon this proposal is highly desirable.

Along the Banks of the Nishna

EXTENSION OF REMARKS

OF

HON. BEN F. JENSEN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 1945

Mr. JENSEN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following editorial by Willard D. Archie, appearing in the Shenandoah Sentinel August 10, 1945:

ALONG THE BANKS OF THE NISHNA

(By W. D. Archie)

NRA was declared unconstitutional, but the OPA seems to be taking its place. I am not sure which is worse, but surely both are completely un-American.

OPA is regulating prices, just as NRA did. It sets ceilings like NRA. It is trying to control the movement of goods from the factory to buyer. No agency since NRA has taken on such a colossal—and impossible—task.

All this is bad enough, but in addition they have in many cases blackened the names of

businessmen, and made them appear as crooks, without the chance to be tried by jury. These same things were done by NRA boards throughout the country. The same businessmen are afraid to defend themselves for fear of being further penalized by the OPA, and, therefore, we hear only the Government side of all controversies. Can there be anything that strikes deeper at the liberty of the people than all this?

Some folks defend the OPA because they say it offers them security. But this security is very often a myth. The mere fact that OPA says an article will be sold for a certain price does not make it worth that much. You can have dishonest OPA officials just as well as dishonest merchants. There are many ways of skinning a cat, and when OPA makes unfair rules there are many ways of getting around them, and the final result is higher prices.

For one, I am tired of being protected. I want to be cheated once in a while, for this is the way I learn to judge values. I want people to get mad and rebel at certain practices, for that is the way they learn to judge values. I want people to get mad and rebel at certain practices, for that is the way they learn to defend their rights. It is good for all of us to get mad enough to stage a rebellion against such practices. It was through such anger that we first won our liberty. I do not want everything to be perfect, for then we would become soft and would be completely ruled by our central government in Washington.

It is true there must be a fairly strong central government in our present complicated system of living, but it does not follow that we must be regulated in everything we do. We do not need a bureau to decide our every act from the time we get up in the morning until we go to bed at night.

If everyone wants all this protection, then they should all join the Army. In the Army and Navy they will be completely protected. Officers with bars and braid will tell them everything. No worries at all. It is a lovely way to live and just what many civilians are now asking for. For one, I have had plenty of it; but if we allow OPA to continue, there is little use coming home except to get regimented by a different set of officials.

When are we to stage another Boston tea party? When are the people going to rise up and demand a chance to live again as freemen? I hope the day is not far off.

We have been living under the finest government yet conceived by man, and should not let a bunch of bureaucrats who have failed under the competitive capitalistic system under which we have grown strong take it all away from us by their rules.

Where is the Thomas Paine to show us the way out? Where is the Paul Revere to shout the warning of danger? Where is our John Adams to defy everyone to gain his liberty? Who will be the 1945 defender of the Bill of Rights?

Stop Bureaucracy, or What

EXTENSION OF REMARKS

OF

HON. GEORGE B. SCHWABE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 1945

Mr. SCHWABE of Oklahoma. Mr. Speaker, is there anyone who doubts that bureaucracy has established a firm hold on the administration of our public affairs in this country? Do not we all know that we are being governed today principally by the bureaucrats and the orders, directives, and regulations issued

by the various bureaus of the Federal and State Governments? All freedom-loving Americans decry the situation as deplorable, and Democrats and Republicans alike are demanding that the further encroachments of bureaucracy be stopped, and that a vast majority of the existing bureaus be abolished at the earliest possible moment. The No. 1 question is: How can this be accomplished? Whose job is it? Where does the responsibility lie for the present conditions, and the relief therefrom?

Our forefathers wisely established our form of government as a representative democracy, created a republic, and ordained a republican system of government. It was designed to have been a government by law enacted by the representatives of the people for the government of themselves and their relations with their fellow citizens. Under our system the laws were to come from the people up to their officers, who were to be their public servants and not their dictators.

There were no bureaus in the early days of this Republic. Congress did not create bureaus in those days, and neither were they created by Executive order of the President. Hence, there were no directives, rules, and regulations promulgated and enforced, with the sanctity and effect of law; but the country was governed by the regularly constituted departments of government.

Through the years, under the excuse that society has become more complex, Congress has weakened and yielded to the importunities of bureau-minded people in this country and from abroad, and has authorized the creation of a number of bureaus. Many of the functions performed by these bureaus could and should have been performed by the various departmental heads of our Government. The condition became so prevalent in the Federal Government, that it spread to a number of our State governments; and today we find ourselves overburdened and perplexed almost beyond endurance by innumerable bureaucratic edicts and bureaucrats themselves in both Federal and State Governments.

During the depression of the early thirties, Congress was prevailed upon to authorize the creation of a number of bureaus as emergency agencies. They were supposed to have been only temporary. But history reveals that bureaus created to relieve a temporary emergency seldom relinquish the authority vested in, or assumed by, them. It is an easy matter for the public to fall under the spell of bureaucracy, but it is most difficult for the people to free themselves of bureaucratic dictatorial rule, and reclaim their own sovereignty.

With the advent of World War II, both Congress and the President seem to have gone all out for the policy of establishing bureaus, subbureaus, and combinations of bureaus, alphabetical confusions, duplications of activities and complexities without end. To make matters worse, the President, in many instances without specific authorization of Congress, issued Executive orders creating and setting up almost innumerable bureaus.

A wise doctor attempts to make a proper diagnosis of the ills of his patient before he begins to administer treatment. America is politically ill. One of its afflictions might be diagnosed as bureaucitis. Apparently, this diagnosis, which is easily confirmed by all who have observed the patient, suggests heroic treatment. The patient should be taken immediately to surgery, and the bureaucratic infection removed before it spreads throughout the entire system. Otherwise, the patient, our republican form of government, is sure to die, and the undertaker will act in the role of a dictator from then on out.

Now, let us call the surgeons into the operating room and let them operate before the patient expires. The ones who should be most skillful in performing this operation are the President and the Congress. First, the President can wield the knife which, even without any action on the part of Congress, may prolong the patient's life and may even prevent the further spread of bureaucratic infection. Recently, the President indicated that he wanted to see a lot of the bureaus abolished. This is something we have all been wanting for a long time. The war is over; there is no depression now, and all the emergency bureaus should be abolished forthwith. All such bureaus as were established by Executive order of the President can be abolished by Executive order of the President, and these, generally speaking, are the most obnoxious of all. If the President sincerely desires to get rid of these bureaus, the power lies with him to do so by a simple stroke of the pen, and he should do it.

More recently, there have been indications that the President is not really seeking to rid us of bureaucracy, but that his plans are to integrate the functions now being performed by these odious bureaus into the various departments headed by the Cabinet members. This will not cure the patient. This will not prevent the spread of bureaucracy. This is not doing away with bureaucracy. It is merely transferring the personnel and the functions of the bureaus into the main bloodstream of our body politic, and putting the President in a more dictatorial position than ever before. A rose smells just the same by whatever name it is called. If the President's present scheme of reorganization of government as recently reported in the press is carried out, we will witness and experience the rankest form of bureaucracy and the strongest trend toward dictatorship that this country has ever known.

Congressional surgeons should also perform their duties in the operating room. The Congress should abolish the bureaus it has created as emergency agencies. If we shrink from this responsibility, we are derelict in our duty and betray the trust our constituents have reposed in us. We will, in effect, be helping the executive branch of Government to sell the people down the river into totalitarianism, exactly as was done in Germany and elsewhere, in recent times.

Hence, I say, stop bureaucracy, or what? This simply means that we must

stop it. The people demand that the heavy hand of government imposed by these bureaucrats be lifted from their backs, and that the bureaucrats be sent home to earn an honest living for themselves. It means that the responsibility rests upon both the President and the Congress. But the President should set the example of absolutely abolishing those bureaus which were created by Executive order, and not attempt to transfer their functions and personnel to the regular departments of Government headed by his Cabinet members. He should further cooperate with Congress to the end that Congress will play its role in abolishing the bureaus it established, instead of trying to prevail upon Congress, as apparently he now is doing, to reorganize the Government in a way which would be more bureaucratic than ever.

If the people only understood that it is to stop bureaucracy or what, I am confident that the Members of Congress and the President would be besieged on every hand—except by the bureaucrats—to take immediate steps to return the Government of the people to the people, for the people.

Looking Down the Road; Our Policy and Our Duty

EXTENSION OF REMARKS OF

HON. GORDON L. McDONOUGH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 1945

Mr. McDONOUGH. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following editorial reprinted from the Washington Teamster of September 21, 1945:

LOOKING DOWN THE ROAD; OUR POLICY AND OUR DUTY

Labor leadership faces a rigorous test as we plunge deeper into the period of reconversion. Whether we will be able to return to peacetime ways of life with a minimum of shock to our economic structure or whether we shall experience turmoil that will rock our Government and our system of business to the foundations, will be determined by the manner in which we handle our problems through the American medium of collective bargaining.

In this time of stress we must have the same high degree of courageous leadership and splendid membership activity that marked our relations with government and industry during the war. This is certainly not the time to try crackpot theories which would lead toward economic and industrial revolution.

It is the job of labor leadership to study the problems of industry as well as those of the working people. We have learned by experience that we can only prosper and make progress to the degree that industry prospers. We must, therefore, as we go forward, give firm consideration to the rights of the public, and of industry, as well as the welfare and aspirations of labor.

It will be the policy of the teamsters union of the 11 Western States to conduct its relations with industry and business along the same cooperative, sympathetic lines we fol-

lowed during the war. We will strive hard to avoid any and all work stoppages, while exerting our best efforts in behalf of the welfare of our membership.

We know—and industry and the public know—that the cost of living raced far beyond the limits of the Little Steel Formula of 15 per cent during the war. It was the position of the War Labor Board during the war that the actual weekly take-home pay of working people, due to hours worked in excess of the standard 40-hour week, compensated them for the actual increase in living costs reaching approximately 46 per cent.

The teamsters union protested vigorously to the WLB and to its regional agencies, urging them not to establish formulae or adopt policies contradictory to sound business and public welfare. We insisted there should be no interference by government with wage increases, voluntarily granted, which did not increase prices to the public. Our protests, however, were of no avail.

Finally, the policy of the War Labor Board resulted in the Seattle dry-cleaning industry dispute, in such a serious situation that the board changed its way of thinking. It adopted, at last, the sound policy that should have been its guide from the beginning.

We submit to thinking people that there must inevitably be an upward readjustment of labor's earnings, based on increases in the cost of living and upon the increased productivity of those who toil and the latest developments of labor-saving machines. At the same time there must be careful consideration of the cost to the consuming public.

Under no circumstances must prices be permitted to rise with increases in wages to labor, for that would defeat us all. That would prevent the increasing of purchasing power which is so vitally necessary to bring about the highest degree of production.

Without question some price increases will be necessary from time to time, but these must be based on facts determined by investigation. It stands to reason that some of these increases have been long delayed. Those found to be honestly necessary will not, however, effect materially the pattern of reconversion by unduly raising the cost of living. No industry should be driven into bankruptcy by unsound price structures: that would injure all of us.

There must be a return to full and complete collective bargaining, without mandatory government interference. There must not be any form of compulsory arbitration; compulsion is poison to democracy.

Government must stay out of business; it must not go into competition with private enterprise. If we have such government competition, wherein government does not assume all of the burdens that rest normally upon individuals in a system of free enterprise—burdens such as taxes and regulations of various kinds—that will lead to socialism. The teamsters union is unalterably opposed to socialism.

Civil service must not be used to defeat private enterprise. Our Army and Navy comprise the military arm of our Government; they should be required to stay strictly within that sphere of activity. They must be kept out of business. At the present time a fact-finding survey is needed for the purpose of putting the military back into normal and reasonable bounds. Attempts to use the civil service as a subterfuge to undermine private business are not to be tolerated. Instead of broadening the scope of civil service and thereby destroying our American system, contracts should be let wherever possible to American business firms which may then employ American working people at fair wages and under decent working conditions.

There is not now, and there never has been, any place in our American scheme of

things for the slave labor of prisoners of war.

We know well that the reconversion period and its problems present grave difficulties to industry. It is going to require great courage and intelligence upon the part of industry to bring about the necessary readjustments with a minimum of disturbance. We do not contend that industry has no problems; we know that it has. We desire to sit down with its leaders and to assist in solving our common problems in a spirit of complete sympathy and cooperative understanding.

Insofar as the trucking industry is concerned, we believe that the greatest number of jobs can be provided by bringing about the lowest possible unit cost of operation consistent with reasonable profits and good wages. We favor the adoption of mechanical devices which tend to decrease costs to the public, but insist that when such mechanization decreases jobs, it injures the public. We believe in shorter working hours and increased wages, as mechanical genius develops ways to save manpower. All of the benefits of mechanical progress must not be plowed into profits, they must be shared with labor.

We call upon the leaders of teamster unions across the 11 Western States to study their industries diligently, to accept the full responsibility imposed by leadership in times like the present, to keep their people fully advised of the facts and the problems which confront us.

It does not take brains or ability to plunge industry and business into turmoil, to call strikes and work stoppages. But, it does require a high degree of true leadership to make progress without strikes and without trouble.

Under no conditions shall we forego our right to strike. We are not so naive as to think that some employers would not take unfair advantage of us if we were to lay down our strongest economic weapon. We will, however, hold it in reserve, for use only when every other road to peaceful settlement of disputes has been traveled without result. We recognize the responsibility that rests upon us in exercising our right to strike, and we will use it only as a last resort.

We call upon industry and business to play the game squarely with us. We urge the public to resist propaganda efforts and to seek the facts before forming its opinion. On the whole, we have received good cooperation from press and radio; we ask that they continue to bear with us and to assist us in finding common grounds for understanding, for they can be of tremendous help in maintaining industrial peace.

We ask public officials to rely on facts; we hope they will not play politics with human conflicts and disagreements.

We, of the teamsters union, are determined to preserve our country and its democratic form of government. We believe sincerely in our system of free enterprise. We know that our system has made possible the highest standard of human happiness and well-being ever known. We have confidence that it can, with all our aid, do still more for the American people.

While we earnestly desire fair dealings with other nations, our own country comes first.

We will continue to devote our efforts and our resources to all worthy community enterprises. We know that as we develop our communities, we also help to develop business life and thereby create more and better employment for our people.

Finally, as we endeavor to look down that road to the future, we envision steadier, greater progress, both for those who toil and for those who operate business and industry, as well as for the public, if we cling steadfastly to the ideals that have brought us thus far along the way.

Franklin D. Roosevelt

EXTENSION OF REMARKS

OF

HON. WILLIAM G. STIGLER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 1945

Mr. STIGLER. Mr. Speaker, on April 26 of this year, the Creek Tribe of Indians, which is one of the Five Civilized Tribes in my district, had its regular annual session in the Creek Council house in the city of Okmulgee, Okla., and adopted a resolution:

That all members of the council engage in silent prayer for a period of 5 minutes in memory of the late President Franklin D. Roosevelt and, thereafter, audible prayer in the Creek language was made by Roly Canard, principal chief of the Creek Nation, not only paying tribute to the late President but also asking divine guidance for President Truman.

Mr. Speaker, it is my pleasure to know Mr. Canard personally, as well as practically all of the members of his tribal council, and I wish to take this means of commending them for their action and, under the authority granted me, I am pleased to insert at this point a copy of the resolution:

The Creek Indian Council of the State of Oklahoma met in regular session at the Creek Council house in the city of Okmulgee, Okla., on April 26, 1945, and motion was made by Rev. Samuel Checote, which was duly seconded and, unanimously carried, that all members of the council engage in silent prayer for a period of 5 minutes in memory of the late President, Franklin D. Roosevelt, and thereafter, audible prayer in the Creek language was made by Roly Canard, principal chief of the Creek Nation, not only paying tribute to the late President but also asking divine guidance for President Truman.

Whereas the above-mentioned action was taken, it was unanimously resolved to have a copy of this resolution sent to the widow of the late President Roosevelt, to the Secretary of the Interior, to the Commissioner of Indian Affairs, and to President Truman.

CANUKY LOWE,

Chairman of the Council.

TURNER BEAR,

Secretary of the Council.

ROLY CANARD,

Principal Chief of the Creek Nation.

Mare Island Leads All Nation's Navy Yards in Improvement Ideas

EXTENSION OF REMARKS

OF

HON. J. LEROY JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 1945

Mr. JOHNSON of California. Mr. Speaker, we all take pride in the various Federal projects in our respective districts. It is with particular pride that I am able to report to my colleagues that the largest Federal project in my district, the Mare Island Navy Yard, had led all of the yards in the Nation in construc-

tive ideas for improvement suggested by its workers and put into operation by the Navy. The men who conceived these ideas and those that developed the plan which tapped and used this latent ingenuity deserve our gratitude and congratulations.

Mare Island Navy Yard commenced operations in the early fifties and for nearly a century has contributed to our national security. It is the largest navy yard in the world, occupying 2,200 acres. Its record is excellent. It is the largest repair yard on the Pacific coast and for many years will have a large force of men repairing the tremendous battle damage caused to many of our ships in the Navy's great battle with and blockade of Japan, which really was the vise which caused her to throw in the sponge. Many men at this yard are career navy yard men, having followed their fathers in this work. Traditions of loyalty and efficiency have grown up among these workers which add to the productivity of the yard.

Mr. Speaker, under leave to extend my remarks, I include an article from the Grapevine, the official newspaper of Mare Island Navy Yard, giving some details as to the number of ideas accepted and put into operation and the prizes awarded therefor. It follows:

MARE ISLAND SETS ANOTHER RECORD: 1930 BENEFICIAL IDEAS PUT INTO WAR EFFORT

In the 2½ years between January 1943 and June 1945, Mare Island "idea men" reaped a harvest of \$68,665 for 1,930 suggestions which were adopted by the Navy, and put Mare Island ahead of all other yards in the number of suggestions adopted and the amount of awards received.

The other navy yards and the number of their suggestions and the amounts of their awards are:

Number of suggestions		
Navy yard	Adopted	Awards
Norfolk.....	1,838	\$38,370
New York.....	996	14,955
Puget Sound.....	694	22,767
Charleston.....	616	15,270
Portsmouth.....	605	12,985
Boston.....	554	16,373
Philadelphia.....	537	27,866
Pearl Harbor.....	466	14,905

In announcing the continuation of the Navy's beneficial suggestion program as a peacetime measure, Under Secretary of the Navy Artemus L. Gates stated that the first year's savings on more than 17,000 adopted ideas submitted by civilian employees exceeded \$66,000,000 during World War II.

Mr. Gates pointed out that while the savings were important they represented only a portion of the benefits. Through the application of these ideas valuable time was saved in supplying improved munitions of war to our fighting Navy to meet the ever-increasing logistics requirements.

These 17,000 suggestions for which awards were paid were submitted by workers at navy yards, air stations, ammunition depots, torpedo stations, and various other types of shore establishments operated by the Navy. They ranged all the way from skillfully designed tools, jigs, and fixtures used in streamlining production to new and ingenious methods of construction and repair. In addition, several new instruments were invented by Navy technicians outside of their assigned duties which played an im-

CONSIDERATION OF H. R. 4129

SEPTEMBER 27, 1945.—Referred to the House Calendar and ordered to be printed

Mr. SMITH of Virginia, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 360]

The Committee on Rules, having had under consideration House Resolution 360, report the same to the House with the recommendation that the resolution do pass.

○

House Calendar No. 220

79TH CONGRESS
1ST SESSION

H. RES. 360

[Report No. 1028]

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 1945

Mr. SMITH of Virginia, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

RESOLUTION

1 *Resolved*, That upon the adoption of this resolution it
2 shall be in order to move that the House resolve itself into
3 the Committee of the Whole House on the State of the
4 Union for consideration of the bill (H. R. 4129) to pro-
5 vide for reorganizing agencies of the Government, and for
6 other purposes, and all points of order against said bill are
7 hereby waived. That after general debate, which shall be
8 confined to the bill and continue not to exceed four hours,
9 to be equally divided and controlled by the chairman and
10 ranking minority member of the Committee on Expenditures
11 in the Executive Departments, the bill shall be read for
12 amendment under the five-minute rule. At the conclusion
13 of the consideration of the bill for amendment, the Commit-

1 tee shall rise and report the bill to the House with such
2 amendments as may have been adopted and the previous
3 question shall be considered as ordered on the bill and
4 amendments thereto to final passage without intervening
5 motion except one motion to recommit.

House Calendar No. 220

79TH CONGRESS
1ST SESSION

H. RES. 360

[Report No. 1028]

RESOLUTION

Providing for the consideration of H. R. 4129,
a bill to provide for reorganizing agencies
of the Government, and for other purposes.

By Mr. SMITH of Virginia

SEPTEMBER 27, 1945

Referred to the House Calendar and ordered to be
printed

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued October 4, 1945, for actions of Wednesday, October 3, 1945)

(For staff of the Department only)

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HIGHLIGHTS: House began debate on reorganization bill. Rep. Andresen introduced bill to establish a butter-import quota. Senate continued debate on bill to repeal land-grant rates on military and naval traffic. Sen. Murray urged consideration of his bill for stabilization by advance planning for public works.

SENATE

1. TRANSPORTATION; LAND-GRANT FREIGHT RATES. Continued debate on H.R.694, to amend the Transportation Act of 1940 to remove the statutory requirement to transport military and naval traffic over land-grant railroads at 50% of their established tariff charges for such transportation (pp. 9459-78). Sen. Reed, Kans., spoke favoring the bill (pp. 9459-65) and Sen. Bilbo, Miss., spoke opposing the bill (pp. 9465-78). Several members discussed grant-land values, etc. with them.
2. PUBLIC WORKS. Sen. Murray, Mont., discussed and urged early consideration of his bill S. 1449, to aid in the stabilization of construction by advance planning of public works; and to reduce by other means, the violence of seasonal and long-term fluctuations in the total volume of new construction, maintenance, and repair work. Sen. Murray explained that the bill sets up a policy board composed of the Secretaries of Commerce (chairman), Labor, and Agriculture. (pp. 9453-4.)
3. ST. LAWRENCE SEAWAY. Both Houses received the President's message recommending approval of the U.S.-Canada agreement providing for the development of the St. Lawrence-Great Lakes Basin, stating that the project has been found to be economically feasible and desirable, that it will enhance international cooperation and commerce, and will furnish employment, electricity, and water-power (H.Doc. 302). To Senate Foreign Relations and House Rivers and Harbors Committees. (pp. 9449-50, 9499-500.)
4. RESEARCH. During the discussion following the President's message with respect to the atomic bomb Sen. Magnuson, Wash., stated that of the several bills introduced with regard to scientific research, some have been referred to the

Commerce Committee and some to the Military Affairs Committee, and that "it was determined to hold joint hearings in regard to the matter" (p. 9485). The President's message was recieved by both Houses (H.Doc. 301)(pp. 9473-9, 9524-5).

5. NOMINATIONS. Confirmed the nominations of Lt. Gen. R. A. Wheeler to be Chief of Engineers, U.S. Army, and H. Wimberly and R. Sachse to be members of the Federal Power Commission (pp. 9486, 9490). Recieved the nominations of John F. Sonnett to be an Assistant Attorney General, Lowell B. Mason to be a Federal Trade Commissioner, Harvey Jones Gunderson to be a member of RFC's board of directors, and Watson B. Miller to be Federal Security Administrator (p. 9487).

HOUSE

6. GOVERNMENT REORGANIZATION. Began debate on H.R. 4129, the reorganization bill (pp. 9500-24). During the debate Rep. Henry, Wis., criticized "over-lapping" functions of various agencies in nutrition programs, forestry matters, credit and finance, lending of Government funds, insuring deposits and loans, and examination of banks; and stated that "Commodity Credit and the former Defense Supplies were actually doing a thriving business in...activities which have...been regarded soley the functions" of the U.S. Customs Bureau (p. 9505). Rep. Gossett, Tex., and others discussed the growth in size and cost of Government personnel and activities (pp. 9522-3).
7. PUBLIC BUILDINGS. Received FWA's proposed bill to provide for the construction of public buildings. To Public Buildings and Grounds Committee. (p. 9527.)
8. PUBLIC LANDS. Received Interior's proposed bill to authorize the Secretary of the Interior to lease certain Alaskan public lands. To Public Lands Committee. (p. 9527.)
9. PERSONNEL CEILINGS. Received from the Budget Bureau personnel-ceiling report for the quarter ending Sept. 30, 1945. To Civil Service Committee. (p. 9527.)
10. UNEMPLOYMENT COMPENSATION. Rep. Shafer, Mich., criticized payment of unemployment insurance when "jobs go begging" (pp. 9492-3).

BILLS INTRODUCED

11. WATER POLLUTION. S. 1462, by Sen. Barkley, Ky., to provide for water-pollution-control activities in the U. S. Public Health Service. To Commerce Committee. (p. 9451.)
12. HOUSING. S. 1454, by Sen. Cordon, Oreg., to amend the act entitled "An act to expedite the provision of housing in connection with national defense, and for other purposes," approved Oct. 14, 1940.. To Education and Labor Committee. (p. 9451.)
13. MINERALS. S. 1459, by Sen. Hatch, N.Mex., (for himself and Sen. O'Mahoney, Wyo.) to provide for the extension of certain oil and gas leases. To Public Lands and Surveys Committee. (p. 9451.)
14. EMPLOYMENT. S. 1456, by Sen. Murray, Mont., to provide a national system of employment offices. To Education and Labor Committee. Remarks of author (p. 9452)
15. PUBLIC LANDS. S. 1461, by Sen. Hatch, N.Mex., to authorize the Secretary of the Interior to lease certain public lands in Alaska. To Public Lands and Surveys

my devoted and distinguished friend from Indiana [Mr. HALLECK], because the committee does propose that certain agencies shall be exempt. Very frankly, I am deeply concerned with what may be done with the Federal Deposit Insurance Corporation. I would like to see it taken care of, but I am convinced that the President will be in a very much better position to do a good and satisfactory job if the agencies exempted under the bill are eliminated and none other be put in.

We have made attempts heretofore to get reorganization but at no time has reorganization been needed so badly as now. To effectuate the purposes of the bill, we must give the President a free hand. You are not going to get the kind of reorganization that you feel ought to be had if you cripple, hamstring, tie the hands, or limit the power of the agency you are appointing to do this important work.

I hope upon reflection that Members will take a trustful attitude. Certainly the gentleman from Indiana is in good position to favor delegating this whole power of reorganization to the President because he finds himself in accord with views expressed by him on this subject while a Member of the United States Senate. He is not in position to entertain doubt as to the kind of a job that the President would do.

I am not sure that I shall offer any amendments when the bill is considered under the 5 minute rule, but certainly I would favor the striking out of all these exempted agencies if keeping them in this exempt class a host of others must also be admitted.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield to the gentleman from Indiana.

Mr. HALLECK. Reference was made a bit ago to my comment on the REA and the statement was made that the REA under the Department of Agriculture had done a good job. The Senate Committee on Agriculture and Forestry made an extensive study of that whole thing and wound up by putting this paragraph in their report, along with a lot of other things I will not take time to read at this juncture:

The disintegration and demoralization of personnel in the REA since its integration into the Department of Agriculture is an outstanding contrast to the harmony and excellency of morale that appears to have existed prior thereto, and is an indictment of the administration under the Agricultural Department.

They cited the testimony of Mr. John Carmody, who certainly was an able man and they state the following of him:

He made his reasons known in the testimony before the committee. He feared that the success of the REA would be impaired and the REA would be handicapped when it became subordinate to the Department of Agriculture. He anticipated the menace of layers of authority over REA. His anticipations and fears were fully justified.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. SMITH of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RICH].

(Mr. RICH asked and was given permission to revise and extend his remarks.)

Mr. RICH. Mr. Speaker, when I came to Congress in 1936 we had about 450,000 Government employees and a national debt of about \$20,500,000,000. Today we have over 3,500,000 Government employees and a national debt on September 27 of over \$262,500,000,000. There is not a man in Congress or a man any place in the United States who will deny that we need reorganization. H. R. 4129 probably is not the best solution to that problem. If this bill had come up 6 months ago I would not have voted for it, but I will vote for the bill today because I have reason to believe that we are going to do something on account of absolute necessity, and if we do not do it, this Government of ours is going to go by the ways. I think that every Member of Congress as well as the Chief Executive realizes that fact. Let me give you some reasons why we should reorganize the Government as given by the Comptroller General, Lindsay Warren, before our committee. He says there are 29 agencies of Government engaged in lending money; three Government agencies engaged in insurance deposits and loans; 34 agencies dealing with the acquisition of land; 16 agencies dealing with wildlife preservation; 10 agencies dealing with Government construction; 9 agencies dealing with credit and finance; 12 agencies dealing with home and community planning; 10 agencies dealing with materials and construction; 28 agencies dealing with welfare matters; 14 agencies dealing with forestry; 4 agencies dealing with the examination of banks; 65 agencies engaged in gathering statistics; 75 bureaus and agencies of Government and divisions in the transportation field; 8 bureaus and departments of Government dealing with labor. That was before the Executive order just a week or so ago putting everything back in the Labor Department. There are three agencies dealing with collections of customs. If we do not need a reorganization of Government, then I do not know anything. The question is, How are you going to go about it? If the gentleman from Indiana could carry out the things that he wants to do and in the manner which he suggests ought to be done by the Congress, that would be one thing, but I am convinced that the Congress will not do it, and the reason is because Congress has not got the backbone to do the job. There is only one other thing left for us to do, and that is to take a chance once more on the Chief Executive. I would not have talked that way 6 months ago, but I am convinced that there is only one thing to do, and the best thing to do is the salvation of America, the salvation of this country of ours, and if we do not do that I think we will be sunk.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Indiana.

Mr. HALLECK. The gentleman heard me read the colloquy that took place between the then Senator Truman and Senator PEPPER of Florida at the time the CAA was under consideration.

The then Senator Truman asked Senator PEPPER if he would put the ICC under a Cabinet Executive post. Senator PEPPER indicated that he would. The then Senator Truman said that he would not be for that at all. May I ask the gentleman whether he stands with Senator PEPPER or the views expressed at that time by the then Senator Truman?

Mr. RICH. I am only taking another chance, because I have reasons to believe, on account of statements made to me by the Comptroller General, that we will certainly get something better. We cannot get anything worse. If we cannot get anything worse, we ought to get something better.

Mr. HALLECK. May I ask the gentleman one final question? The gentleman heard me enumerate the eight additional independent agencies that I thought should be exempted. Did Lindsay Warren at any time say anything to the gentleman to indicate that their shift to the executive departments would in any way accomplish the result that the gentleman is talking about, with 23,000 employees?

Mr. RICH. We can eliminate those agencies if the Congress sees fit.

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Rivers and Harbors and ordered to be printed:

As a part of our program of international cooperation, expanding foreign trade, and domestic progress in commerce and industry, I recommend the speedy approval by the Congress of the agreement of March 19, 1941, between the United States and Canada for the development of the Great Lakes-St. Lawrence Basin. When approved, the two countries will be able to harness for the public benefit one of the greatest natural resources of North America, opening the Great Lakes to ocean navigation and creating 2,200,000 horsepower of hydroelectric capacity to be divided equally between the people of the United States and Canada.

The development, utilization, and conservation of our natural resources are among those fields of endeavor where the Government's responsibility has been well recognized for many generations.

During the war we were forced to suspend many of the projects designed to harness the waters of our great rivers for the promotion of commerce and industry and for the production of cheap electric power. We must now resume these projects and embark upon others.

The Congress and the people of our country can take just pride and satisfaction in the foresight they showed by developing the Tennessee and Columbia Rivers and the rivers in the Central Valley of California. Without the power from these rivers the goal of 50,000 airplanes a year—considered fantastic only 5 short years ago, but actually surpassed twice over—would have been impossible. Nor could we have developed the atomic bomb as early as we did without the large blocks of power we used from the Tennessee and Columbia River.

The timely development of these rivers shortened the war by many years, and saved countless American lives. We must ever be grateful for the vision of the late President Franklin D. Roosevelt and the wisdom of the Congress in urging and approving the harnessing of these priceless natural resources.

One of the great constructive projects of the North American continent, in fact, one of the great projects of the world, which was delayed by the exigencies of war, is the St. Lawrence seaway and power project.

For 50 years the United States and Canada, under both Republican and Democratic administrations, under Liberal and Conservative governments, have envisioned the development of the project together, as a joint enterprise.

Upon the expectation that we would join with them in completing this great engineering project, Canada has already built more than half its share of the undertaking.

We, however, still have our major contribution to make.

Every engineering investigation during the past 50 years, every economic study in the past 25 years has found the project feasible and economically desirable. The case has been proved; the plans are ready.

The St. Lawrence seaway will make it possible to utilize our war expanded factories and shipping facilities in the development of international economic cooperation and enlarging world commerce. New and increasing opportunities for production and employment by private enterprise can be expected from this cheap water transportation.

It is the kind of useful construction which will furnish lucrative employment to many thousands of our people.

The completion of the seaway will bring many benefits to our great neighbor and ally on the north. The experience of two wars and of many years of peace has shown beyond question that the prosperity and defense of Canada and of the United States are closely linked together.

By development of our natural water-power resources, we can look forward with certainty to greater use of electricity in the home, in the factory, and on the farm. The national average annual consumption of electricity by domestic consumers has almost doubled in

the past 10 years. Even with that increase, the national average is only 65 percent as high as in the Tennessee Valley where electric rates are lower. Increase in the consumption of electricity will mean more comforts on the farms and in city homes. It will mean more jobs, more income, and a higher standard of living. We are only on the threshold of an era of electrified homes and mechanical aids to better living. We can encourage this trend by using the bounty of nature in the water power of our rivers.

If we develop the water power of the St. Lawrence River, the United States' share of that power will be available for distribution within a radius of 300 miles. This will include most of New York State and its neighbor States to the east. Public and private agencies will be able to pass on to the consumers in that area all the advantages of this cheap power.

Under the leadership of Governor and later President Roosevelt, the State of New York created the framework of a State power program. I have always been, and still am, in favor of that program.

Under it, the power facilities are to be constructed by the Federal Government and turned over by it to the State of New York. The terms of allocation of costs to the State of New York have been agreed upon in a memorandum of agreement dated February 7, 1933, recommended for execution by the United States Army Corps of Engineers and the power authority of the State of New York. This basis of allocation is fair and acceptable.

It has always been understood by the responsible proponents of this development that the water-power projects should become the property of the State of New York, and that the electric power should be developed and handled by the State. That should continue to be the policy, and I recommend that it be so declared by the Congress.

Any agreement with the State of New York to this end must protect the interests of the United States as well as the interests of neighboring States; and will, of course, have to be submitted for approval by the Congress before it can become effective.

I urge upon the Congress speedy enactment of legislation to accomplish these objectives so that work may start on this great undertaking at the earliest possible time.

HARRY S. TRUMAN.

THE WHITE HOUSE, October 3, 1945.

EXTENSION OF REMARKS

Mr. MANASCO. Mr. Speaker, I ask unanimous consent that gentlemen who speak on the bill, H. R. 4129, the reorganization bill, in Committee today may include in their remarks, tables, newspaper items, and other matter.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

COMMITTEE AMENDMENTS TO REORGANIZATION BILL

Mr. MANASCO asked and was given permission to print the Committee amendments to H. R. 4129 with a brief

explanation following his remarks in the Committee of the Whole.

REORGANIZATIONS IN EXECUTIVE BRANCH

Mr. MANASCO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 4129) to provide for reorganizing agencies of the Government, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 4129, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. MANASCO. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Chairman, I am not going to analyze this bill, as it would only be a repetition of what others have agreed to do. I want to make a few remarks in reply to some of the statements which were made during the consideration of the rule. I have been a Member of the House of Representatives for nearly 20 years. There has not been a select reorganization committee set up by the House during that time that I have not been a member of. I have been chairman of House committees, and after the death of Senator Robinson, of Arkansas, I became chairman of the Joint Committee on Reorganization. During that period there were some very outstanding men who I have been associated with. One of them is now Secretary of State. Another is now Secretary of the Treasury. Another is now Comptroller General of the United States. The gentleman from Mississippi [Mr. WHITTINGTON] the gentleman from Georgia [Mr. COX], and others, members of committees.

Had this bill been brought to the floor immediately after it was reported by the committee nearly 2 weeks ago, this opposition that you hear now would not have sprung up. But the delay gave an opportunity to jobholders to buttonhole Members of Congress to exempt their agencies so that they could retain their positions. The Speaker of the House of Representatives even made a public expression in reference to their interference. Are we going to listen to jobholders, or do we intend to think of the interest of the taxpayers of this country? The President disapproved of what was going on. Subordinates of his in the executive branch of the Government coming to Members of Congress to try to override his recommendations.

The gentleman from Indiana [Mr. HALLECK], I concede, has a right to talk about the Civil Aeronautics Administration, because he has been a member of the committee which considers legislation affecting the Civil Aeronautics Administration. Naturally he is interested. But if the President of the United States in the event this bill becomes a law, just as the gentleman from Mississippi [Mr. WHITTINGTON] said, retains the same position that he had while in the Senate to

which the gentleman from Indiana [Mr. HALLECK] referred, he can make the Civil Aeronautics Administration an independent agency. He can also return the REA to its former status.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. No. I asked the gentleman to yield to me and he refused.

Now, aviation has moved along very fast. It is going to move along faster. We read in the papers today where an airplane load of fish comes to Washington from the Great Lakes. The airplane is going to carry not only mail but it is going to carry express and freight. The War Department today has gliders large enough to place two tanks within them. They used them in Europe. They were made in my city. That corporation is still making gliders, even though the war be over, to sell to airplane lines. What for? To carry express and freight.

I am just as much interested in the Civil Aeronautics Administration as any Member. We, the Congress, delegated power to the Interstate Commerce Commission. Under the provisions of this bill you cannot take one function away from it. You can add to it but you cannot take anything from it. We delegated the power to the Interstate Commerce Commission to regulate rates for the railroads.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. COCHRAN] has expired.

Mr. MANASCO. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. COCHRAN. Later on we placed the supervision of trucks under the Interstate Commerce Commission. It regulates their rates. If aviation is going to advance so that it will be a real competitor of the railroads and the trucks, would it be a mistake to give to the Interstate Commerce Commission the power to regulate rates for the aviation companies? Would it not be better to have them all under one head? All are engaged in interstate transportation.

You all know how for years I have been endeavoring to have the executive branch of the Government reorganized. Years ago I knew there was a great need for reorganization if we were going to stop the control of our Government by bureaus. It was for that reason that I supported the legislation that gave President Hoover the right to reorganize and it is for that reason I participated in securing the passage of legislation on several occasions since that time.

I cannot conceive of a better argument that could be made for this legislation as the committee reported it than that advanced by the gentleman from Ohio [Mr. BROWN].

I want to compliment him on the speech he made, which in my opinion was an endorsement of this legislation. I think the gentleman from Indiana [Mr. HALLECK] likewise endorsed this legislation, but unfortunately he added some "ifs" and "buts". What does he propose? He proposes to offer an amendment to exempt certain agencies. Is he willing to offer those amendments individually? No. He is going to offer them collectively. Why? He wants to

gets Members of this House who would like to see the Federal Deposit Insurance Corporation, for example, exempted, to go along with him on the other seven or eight exemptions which he proposes; and so on down the line. An opportunity for some logrolling, you vote to exempt my favorite agency, I will vote for yours.

It seems to me if you want to approach this question honestly and fearlessly and you really want to offer amendments, offer them separately and let every agency stand on its own bottom. The more agencies you exempt the less reorganization you will have.

I am going to be honest with you and say that if I had my way there would be no exemptions in this bill. The question has been asked why we exempted the Interstate Commerce Commission, the Federal Trade Commission, and the Securities and Exchange Commission. The answer is that there was an argument among the Members and a majority agreed that these three organizations were outstanding arms of Congress. In other words, Congress has delegated power to them to do certain work for the Congress such as the regulation of rates, the control of securities, the control of business from unfair practices and false advertising, and so forth. Then, again, Members asked why we provided in paragraph C of section 5 that the Civil Service Commission, the Federal Communications Commission, the United States Tariff Commission, and the Veterans' Administration could not be reorganized unless the plan was submitted to the Congress individually and not contained in a plan where other recommendations might be made.

A great part of the original bill introduced by the chairman was contained in the 1939 act and he included in the exemptions practically all the agencies that were contained in that act. I can tell you as a member of the committee that handled that bill that those exemptions would not have been in that act if the views of the House of Representatives had prevailed. While we passed the bill by a fair majority the bill only passed the Senate by one vote and it was necessary to make concessions to the Senate in order to get a law. The fact that those agencies were exempted in the 1939 act is the answer to any criticism that might be advanced as to why President Roosevelt did not more thoroughly reorganize the executive branch of the Government. We tied his hands and told him, "You can go so far but no further." It is true that we also gave the President the power in 1933 to reorganize the executive branch of the Government but you know and I know the situation that confronted the President when he took office in 1933. We were faced with disaster. The banks were closed, thousands of business houses were going into bankruptcy, and he was trying to save our Government from ruin. Before he had time to do a real job the act expired.

It is reasonable to assume that when President Truman twice asked the Congress to reorganize the executive branch of the Government he is willing and

ready to do it. The Congress will not do it, so why should we not delegate the power to the President to do it but at the same time provide in the law that the Congress will have the power by concurrent resolution to either approve or disapprove of his recommendations? As you all know a concurrent resolution is final when acted upon by both Houses. It only requires a majority of both Houses to pass a concurrent resolution under the terms of this act to approve or disapprove his plans. We do not provide for a joint resolution which would give the President the veto power. The President could veto a joint resolution and you and I know it would require a two-thirds vote of the Congress to pass it over his veto.

It is true we gave President Hoover unlimited power to reorganize this Government; but what Mr. Hoover do? Mr. Hoover sent down his reorganization plan after he was defeated, and the Congress very wisely, after his Budget Director assailed his plan—and I was the one who asked him the question, and it was in answer to my question that he disapproved of the President's plan and suggested the incoming President be given the power—the Congress refused to approve it.

In 1939 when we were receiving those telegrams and letters about which the gentleman spoke—and he knows who was the leader of the opposition—they did not come to me in wastebaskets, they came to me in mail sacks. I was chairman of that committee; but I today can make the statement that there is not one businessman, there is not one banker—and I say banker because the Federal Deposit Insurance Corporation wants to be exempted and has sent a letter to me—not one who opposes this reorganization plan. Why? Businessmen have had more to do with the Government in the last 10 years than they ever did, especially during the war. They found it took them about 2 days to find the man they wanted to talk to to discuss a matter; so they are all for reorganization.

They encountered a bureaucracy the likes of which they never had any idea existed. They knew that no private business could operate 30 days as did their Government, and they urged reorganization. The press, the columnists, the commentators, and organizations of every type urged a reorganization not only of the executive but of the legislative branch of the Government. Therefore, we should certainly give President Truman an opportunity to set his house in order and place few limitations upon him. If he does not, then the responsibility is his, not that of the Congress.

If and when amendments are offered, I propose to express myself on the amendments.

This is a good bill, and I hope it will be passed as reported by the committee.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. HOFFMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Chairman, I think too much of the gentleman from Missouri to engage in running controversy with him, but there are a couple of things I cannot let pass without correcting.

No. 1: The gentleman certainly knows I stated my opposition in the Rules Committee when this matter was before that committee and I have stated it publicly on many other occasions. But I certainly brought it out very definitely at the time the Rules Committee was considering the request for a rule, as the gentleman from Mississippi and the chairman of the committee know.

No. 2: I approve of the statements made by Senator Truman which I have quoted. I am disturbed by the change in his position indicated by the letter of the Bureau of the Budget stating that he is not for the re-creation of the CAA as an independent agency. I am disturbed at his apparent objection to the exclusion of these independent agencies. I am disturbed at President Truman's reversing Senator Truman.

That other reorganization did not provide for the transfer of the CAA to the ICC to effect a consolidation. It short-circuited the ICC and transferred it to the Department of Commerce, where it certainly should not be.

No Government employee has spoken to me about my opposition to this matter, not a single one has said a word to me. I am seeking to exempt these eight because they are in the same category as the three that are exempted and they should be exempted. I am motivated by principle and by conviction, not by a matter of getting votes. If there is any inconsistency it is on the part of the committee that exempts three rate-making regulatory in dependent agencies and does not exempt the FCC and the Federal Power Commission and others.

It is true, as the gentleman from Missouri indicated, that President Hoover submitted his plan after he was defeated. Maybe it was still a good plan, I do not know, but as I get it the opposition was: "We are going to wait for the incoming President to do the job." All I have got to say about that is that the incoming President came in, served as President for a long, long time, and if a real effective reorganization were needed then, certainly, in that long period of time the reorganization might have been effected.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MANASCO. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, on May 24 of this year the President of the United States transmitted to the Congress a message recommending legislation which would authorize reorganization of the executive departments. In that message the President asked for no exemption. He asked for permanent legislation.

The Committee on Expenditures in the Executive Departments held hearings on this bill and it took us about 3 weeks to write the bill that was finally reported.

On May 26 of this year I introduced a bill following the language of a bill passed by the House and Senate in 1939 authorizing the Chief Executive to reorganize the executive departments. I had

21 exemptions in my bill. After hearing our former colleague, now the very able Comptroller General of the United States, Hon. Lindsay Warren, it is fair to say that our committee was convinced that if we exempted 21 agencies from the provisions of a reorganization act there would be no reorganization.

Mr. Chairman, of course the reorganization of these executive agencies can be done by the Congress under the Constitution of the United States. For years, years, and years Members of Congress, the public, and the press have criticized growing bureaucracy, but, as far as I know, the Congress of the United States itself has never reorganized a single agency in the executive department. There is a reason for that. In the first place, we do not have the time to make a study. In the second place, we do not have the facilities, we do not have the experts to make the reviews for us. There is one thing, in my opinion, the Congress could do for itself; that is, provide a sufficient staff to make the surveys necessary for the intelligent consideration of legislation and reorganization plans.

This is not the first time that what I have just said has been stated to the Congress. In 1841, 104 years ago, the Congress was wrestling with the problem of reorganization. I want to read to the committee what a House committee reported in 1841:

The committee soon found out that, without a total abandonment of their other representative duties, it would be impossible during the present session to examine all the departments in a satisfactory manner. The public interest demands a rigid and more general investigation. Economy does not consist in withholding supplies which the public safety demands but in limiting the appropriation of public money to proper objects, and in insuring that it is disbursed with fidelity.

Of course, if we want this huge number of executive agencies reduced, we must of necessity rely upon the Chief Executive to do that. I think Congress is certainly protected in this bill. We have limited to some extent the authority of the President to reorganize. We have exempted from reorganization the Interstate Commerce Commission, the Federal Trade Commission, and the Securities and Exchange Commission. Under this bill, we will permit the reorganization of the Civil Service Commission, the Federal Communications Commission, the United States Tariff Commission, and the Veterans' Administration, but the President cannot reorganize those and transmit reorganization plans for those agencies if they are tied in with any other agency. Each individual agency reorganization mentioned here must be sent up in a separate plan, and Congress within 60 days can knock that plan out if it does not like it. I might add, by authority of the committee, that we are going to offer an amendment to section 5, subsection 3, on page 8. We will add the Federal Deposit Insurance Corporation. That will be in what is known as plan 2. In other words, if the FDIC is to be reorganized, it must be sent up as a separate plan. It cannot be tied in with the plan of reorganization of the Federal Land Bank or the Federal Reserve Board

or any other agency. It comes up and must stand or fall on its own merits.

In this bill we also limited the time for submitting reorganization plans to July 1, 1948. We felt that there was a crying need and a crying demand for reorganization of the Government agencies. We felt if we made the statute permanent that it might tend to delay needed reorganization. For that reason we placed the time limit July 1, 1948. There were other reasons for that. One of them is that we did not want to be charged with having a reorganization plan sent up during a Presidential campaign for purely political reasons. We think that with a time limitation the executive department will get busy soon and try to solve this problem.

I might say that under the War Powers Act of 1941 the President of the United States is authorized to combine departments. He can abolish the Interstate Commerce Commission. He can abolish its functions. All of us voted for that act. I asked for a copy of all the Executive orders that were issued under the first War Powers Act. I am frank to say that I do not agree with some of them, but they lapse 6 months after the expiration of this act. There must be some 75 Executive orders which were issued under authority of that act. The Interstate Commerce Commission has not been bothered. The Securities and Exchange Commission has not been bothered. The FDIC has not been bothered. All of these agencies that we have fears about today have not been bothered. I think it is fair to say that if some of the agencies that have been enumerated in the so-called plan 2 of our reorganization bill were set up here in an effort to change the bipartisan membership of a board, say the Civil Service Commission, that both Houses of Congress would by an overwhelming majority repudiate those plans.

It might be said that we are delegating too much authority to the President. Of course, we are delegating a good deal of authority. But within 60 days after that plan has been transmitted to the Congress, under the cloture rule which has been written in here, a very unusual rule, it makes it impossible for those who favor the reorganization plan to filibuster, delay, or by dilatory tactics make it impossible to get a vote on the plan.

I think that should allay the fears of most of us who do not want to give too much authority to the Chief Executive. That is our protection. Without that protection, I would not support this bill.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. MANASCO. Mr. Chairman, I yield myself one additional minute.

I would take more time, but I think our distinguished colleague, the gentleman from Mississippi [Mr. WHITTINGTON], will devote most of his time to an explanation of the bill. He will not speak in general terms as I have. I believe that after he gets through all of you will say that he has covered every phase of this bill. He has given it more study than any other member of our committee because he has been a member of the committee for a number of

years and has had experience since 1929, I believe, in the reorganization of the Government.

COMMITTEE AMENDMENTS TO BE OFFERED

It is proposed to offer certain committee amendments to H. R. 4129, and I am setting them forth for the information of the House.

The following amendment proposes a substitute for paragraph (1) of section 4. It is merely a clarifying amendment, and makes no substantive change in the meaning of the paragraph:

Page 4, strike out lines 16, 17, and 18, and insert the following quoted paragraph:

"(1) shall change, in such cases as he deems necessary, the name of any agency affected by a reorganization, and the title of its head; and shall designate the name of any agency resulting from a reorganization and the title of its head."

The following amendment is for the purpose of making it clear that the President's power, under paragraph (2) of section 4, to provide in certain cases for the appointment and compensation of the head of an agency, includes the power to appoint a board or commission and to fix the compensation of the members thereof:

Page 5, line 1, after the period, insert a new sentence as follows:

"The head so provided for may be an individual or may be a commission or board with two or more members."

The following amendments to paragraphs (3) and (4) of section 4 are merely clerical amendments:

Page 5, in line 14, strike out "such" and insert "any"; and in line 18, strike out "the" and insert "any."

The following amendment to section 5 (c) would provide, in effect, that any plan affecting the Federal Deposit Insurance Corporation—except for transfers to such agency—could not also relate to other matters:

Page 7, line 24, after "Federal Communications Commission", insert "Federal Deposit Insurance Corporation."

REORGANIZATION THE AMERICAN WAY

Mr. HOFFMAN. Mr. Chairman, I yield myself 5 minutes.

(Mr. HOFFMAN asked and was given permission to revise and extend his remarks.)

Mr. HOFFMAN. Mr. Chairman, the views expressed by the gentleman from Indiana [Mr. HALLECK] and those expressed by the gentleman from Missouri [Mr. COCHRAN] as to the necessity or the demand for this legislation can be accepted, I think, by all of us. There is no question but that the country as a whole wants a reorganization in the executive department. We all know from experience that for at least 17 years the Congress and the Executive have been endeavoring to get a worth-while reorganization and that so far we have not accomplished very much. That being true, I can see no reason for opposing a reorganization bill, provided it follows constitutional lines and keeps our constitutional procedure and principles.

What the gentleman from Indiana [Mr. HALLECK] said about the advisability of exempting certain organizations may or may not be true. I am not here

expressing any opinion on that. Four are exempted in the bill. As the gentleman from Indiana said, the chairman of the committee in his original bill exempted 21 organizations from any reorganization plan. But this is my point, and this is my argument. Everything the gentleman from Indiana wants can be obtained and brought about if the House will adopt two very short amendments as to how and when the bill can become effective.

Reorganization of the executive agencies is long overdue. The people are impatient, they are disgusted, because of the failure of the President and the Congress to reduce and make more efficient executive agencies.

President Hoover, President Roosevelt, and the Congresses which served during their time had a try at the job, but never completed it.

President Roosevelt in his first campaign promised drastic reductions in Government agencies and in Government expenditures. Though he had the full support of a willing Congress, but little has been accomplished under the general reorganization law, which after 2 years of hard work and long study was enacted in 1939.

Because the advisability, yes, the necessity, of a reorganization in the executive departments is admitted, time will not be taken to prove that fact.

The case for this bill is made by the testimony of the Comptroller General of the United States, the Honorable Lindsay C. Warren, a former Member of this House, in whose ability and integrity we all have the utmost confidence. That testimony is available to every Member and is found beginning on page 65 of the published hearings on H. R. 3325.

In the course of his testimony, Mr. Warren said this:

The late President told us in 1937 that the Government had become a higgledy-piggledy patchwork, and you need not leaf through the current appropriation acts to see that, sadly enough, it still is true.

While a majority concedes that there should be a reorganization, there is an honest difference of opinion, not only as to the agencies which should be consolidated, but as to the method by which it should be accomplished.

Experience demonstrates that, if we are to wait for the Congress to, in the first instance, report out a worthwhile reorganization bill, we may never have reorganization. This, because the various agencies which have been established each has in Congress its friends and advocates who immediately, when it is proposed to abolish that particular agency, join with the friends of other agencies who desire that another-named agency be excluded from any reorganization, and the result is either the failure to pass any bill or a bill which, because of its exemptions, means little or nothing toward either economy or efficiency.

Hence the committee arrived at the conclusion that the first step in any reorganization plan should be taken by the Executive. The Executive, with his numerous aides, should have a more comprehensive, a more accurate, view of the over-all situation in the executive de-

partment than can the individual Members of Congress. Hence, this bill provides that the President shall submit to the Congress a plan for a reorganization. With that feature of the bill, a majority of the Members are in hearty accord.

Because the committee was of the opinion that certain agencies exercised quasi-judicial functions, the bill provided—section 5 (5) (c), page 7—that no reorganization plan should affect the Civil Service Commission, Federal Communications Commission, United States Tariff Commission, and Veterans' Administration, if it also provided for a reorganization which did not affect such agency.

True it is that there are other agencies in the executive department with quasi-judicial functions which might be affected by a reorganization plan, and friends of those organizations have asked why they, too, were not made exempt.

Evidently the committee thought that the named organizations had demonstrated beyond question their lack of need of a reorganization, and that those not named exercised functions more administrative than judicial in character.

No doubt when this bill is read for amendment friends of other agencies desiring that they be exempt from its provisions will make a vigorous fight to include them in the exempted class.

There is merit in many of the proposed amendments, but if, in consideration of the bill, the House starts making exceptions creating further exemptions, in the end we will have a bill which will defeat the purpose for which it was proposed.

THE METHOD

The method as set forth in the bill by which a reorganization is to be accomplished is this: The reorganization plan is to be submitted by the President to the Congress and unless within 60 days both Houses of Congress, by a majority vote, disapproves of the plan, it becomes law. That method is, in my mind, unconstitutional because it is in direct conflict with the provisions of the Constitution, relating to the enactment of legislation.

As we all know a bill submitted to Congress cannot become a law, cannot be effective, until it has received the approval of a majority of the Members of the House and the Senate and the approval either expressed or implied, of the President or until after a disapproval by the President, it has received the affirmative vote of two-thirds of the Members of each House.

The enactment of this bill, containing as it does, the provisions that any plan submitted by the President shall become the law of the land, unless it is within 60 days disapproved by a majority of both the House and the Senate, is an attempt to amend the Constitution, or to disregard its provisions, by making it possible for the President, with the aid of a majority of the Members of one House, to amend legislation.

There has been a great deal of talk about the American way of life, about the Constitution, and the principles underlying it, which have so recently demonstrated their superiority to any other method of government, but all too often

when a specific proposition comes before the Congress, it has failed to adhere to the principles which have demonstrated their soundness.

All the good proposed by this bill can be accomplished if we adhere to constitutional methods. There is no excuse for any short cuts. There is no excuse for either House of Congress shirking its responsibility, delegating its authority to the President and the other House.

When the bill is read for amendment, I shall offer two amendments, the effect of which, will be to require for the approval of any reorganization plan, a majority vote of both the House and the Senate. That is the method provided by the Constitution for the enactment of legislation.

This and preceding Congresses have issued too many blank checks, not only for unlimited sums but checks giving unlimited power.

The Nation is looking to the Congress to reassume not only responsibility, but initiative.

The amendments referred to, if adopted, will enable those who wish to exempt certain agencies from reorganization to, if they have the support of a majority of their colleagues, accomplish their purpose.

Not a little pressure was brought to bear upon me when this bill was before the committee to exempt from its provisions a certain farm agency.

Those appealing to me were in favor, so they said, of an over-all, worth-while reorganization which would bring about efficiency and economy in every nook and corner of the executive agencies, but they insisted that the particular agency in which they were interested should not be touched.

No doubt many Members of Congress have been subjected to a like pressure, but if each and all of us were to yield to his own desire to exempt a particular agency, we would, as has been stated, in the end get no worth-while bill.

Reorganization in the executive departments is in reality, in the first instance, the job of the President. It was a job which Governor Roosevelt, in his early campaigns for the Presidency, promised to perform. It is a job which other Presidents have indicated they would like to do.

But every time we get up to the door and start to clean house, we are met with individual objections to this, that, or the other agency, its personnel or its functions being curtailed or reduced.

It may be that some of the agencies which it is proposed to exempt should be exempted. Conceding that point, the same thing can be accomplished if the House will adopt the proposed amendments as to the methods of procedure and if the plan sent down by the President is required to receive the affirmative vote of a majority of both Houses before it becomes effective.

There is no reason why any agency should be exempt from an effort on the part of the Executive to improve its functions, to lessen the cost of operating it.

Let the President, whoever he may be, with his aides and his assistants, with the mass of material available, suggest

the proposed reduction in personnel and expense; then let the House say whether that particular plan shall or shall not become a law.

If we put through blanket exemptions, let us not hereafter criticize the executive department because of its failure to bring about efficiency and economy.

Mr. BATES of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. BATES of Massachusetts. Under this bill, it provides for the transfer, abolition, or consolidation of any agency of the Government. In another provision of the bill on page 9, the definition of agency is "any executive department." Has the President under this bill the power to reorganize, consolidate, or transfer any of the powers of the War and Navy Departments?

Mr. HOFFMAN. If the gentleman will read subdivision A of section 5, he will find his answer.

I appeal to my Republican colleagues; I appeal to all the Members of the House, to again approve the authority of the Executive to submit a plan which will bring about the economy advocated by Hoover, promised by Roosevelt, but still a desirable reform to all appearances a long way ahead of us.

If the Executive attempts to reorganize an agency or a commission which the House thinks should not be touched, all we need to do is to fail or to refuse to adopt it.

If the plan is good, if it has merit, then we can go on record as being in favor of it.

That is all I have to say at this time on this proposition. I am not making any argument as to the desirability of transfer or consolidation of any particular agency. All I am asking of the Members of this House is that when this bill comes up for amendment you insist that any action which may hereafter be proposed by the President shall follow the constitutional procedure and receive the approval of both branches of Congress; that there shall be no delegation of authority either to the President or to the President and one House of the Congress to enact legislation.

Mr. Chairman, I yield back the balance of my time.

Mr. HOFFMAN. Mr. Chairman, I yield 20 minutes to the gentleman from Wisconsin [Mr. HENRY].

Mr. HENRY. Mr. Chairman, as a member of the House Committee on Expenditures in the Executive Departments I desire to present some of the reasons why I cast my vote recommending passage of H. R. 4129, which provides for reorganization by the President of agencies of the Government.

One hundred and four years ago a special committee of the House of Congress was appointed to investigate the feasibility of reducing the ever-increasing number of payrollers on the Government civil list.

That was 20 years before the War Between the States, yet even at that time the necessity of reorganizing the several governmental departments was recognized as an acute problem. Something had to be done—and quickly—because

the number of employees in the Capital's departments had grown to 600 persons.

The congressional committee went to its task with a will. For 11 long months it held hearings, questioned department heads, delved into the intricate and overlapping operations of the National Government's tax-supported agencies. And, the net result of that ambitious investigation was a grand total of nothing accomplished. Actually, the House committee asked for more than just a year's time to examine the departments and their 600 employees in a satisfactory manner.

There have been numerous efforts at reorganization made since a few departments and 600 Federal payrollers stumped that congressional investigating committee in the year of 1841. None has been successful. As a matter of fact, the inability of Congress to effectually cope with the problem seemingly encourages department executives to a more reckless and profligate waste of the taxpayers' money. The record of congressional failures is to them a mental balm, if ever they would experience pangs of conscience, for extravagantly adding useless employees to the public payroll and fertilizing the mushroom growth of more and more agencies whose functions overlap and whose duplications serve only as an addition to the general confusion.

And what I mean by general confusion is the state of mind in which the taxpayers find themselves when compelled by laws or emergencies to seek information or aid from governmental departments which, purportedly, have been created for service to the public.

For instance, there are 34 different Federal agencies which deal in the acquisition of land. I am not being facetious when I say that by the time a taxpayer ferreted out from that conglomeration the individual division with which he had to do business, then there would probably have been several new departments created to handle his particular problem. There are 65 departments that gather statistics, several of them apparently having as their sole duties the compilation of facts and figures about the other statisticians.

Twenty-nine are vested with authority to lend Government funds. In this connection I submit that by the time an individual seeking a loan has defrayed the costs of legal help or private investigators in discovering which of the 29 departments are entitled to make his particular loan, he would have expended the greater part of such loan for special services and would be in the market for another loan. And by that time he would have been apprised of the fact that he could have obtained quicker service at more attractive terms from private lending agencies.

There are 75 Federal Government agencies—count them—engaged in the field of transportation. This, in itself, raises a moving question. Certainly, with so many transportation experts in the so-called field services daily and nightly utilizing all means of travel, the ensuing congestion on the railroads, planes, and busses constitutes a situation

which may in time require the creation of still another department to untie the transportation knot in just the transportation department itself. I cite the Comptroller General's office for the information that last year the Federal Government's transportation costs alone were nearly as much as it cost to run the whole Government in 1914.

Sixteen Federal agencies have to do with the preservation of wildlife. In this respect the term "preservation" is in many ways a misnomer. Because much of the work of these agencies is connected with the welfare of woods and waters creatures only from birth, hatching, and spawning to the boom of the hunter's gun or the spin of the fisherman's reel.

As a member of the Select Committee on Wildlife Resources, and as a hunter and fisherman, I am personally very much interested in conservation. Nevertheless, after reviewing the efforts made by so many overlapping and conflicting Government agencies in the name of "wildlife preservation," by heart goes out to the taxpayers for the vast sums that are being expended on behalf of lo! this one dead duck.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HENRY. I yield.

Mr. VORYS of Ohio. The gentleman is making a most interesting speech and has given us some figures that I have not been able to find in any of the reports. Is the gentleman able to tell us or is the committee able to tell us how many of all these conflicting and duplicating agencies were created by Congress and how many by the Executive? If we had those statistics we could then determine whether the chances would be better for the Executive to eliminate duplication or for the Congress to do it. Are such figures available?

Mr. HENRY. Those figures are available and I am sure the gentleman will find when he analyzes them that most of them were created by the Executive.

Mr. MANASCO. Mr. Chairman, will the gentleman yield?

Mr. HENRY. I yield.

Mr. MANASCO. About 58 were created by Congress.

Mr. HENRY. Twenty-eight different Federal departments deal with public welfare matters. Again I refer to a statement by the Comptroller General to the effect that there is a rather obvious conflict between the functions of many of these welfare agencies. I contend that the old adage of "too many cooks spoil the broth" can be pertinently applied to a situation where at least a half dozen overlapping agencies are engaged in nutrition programs.

Time does not permit a detailed review of all of the surfeited activities, but here are a few more illustrative of the complete picture as it was back in 1939:

Home and community planning gains the attention of 12 separate Federal departments; Government construction is handled by 10, while materials of construction engage 10 others. Fourteen are actually concerned with forestry matters, and 9 with credit and finance—besides the 29 that lend Government funds, 3

that insure deposits and loans, and 4 that examine banks.

At least 15 departments meddle in one way or another with housing projects financed in whole or in part by Federal funds. A cursory investigation reveals that 8 departments and agencies have representatives browsing in the field of labor relations. The Comptroller General recently was astounded to discover that at least two Government corporations—Commodity Credit and the former Defense Supplies—were actually doing a thriving business in several administrative and financial activities which have heretofore been regarded as solely the functions of the United States Bureau of Customs.

What I have been able to portray of overlapping and duplications is, however, only a minor part of the complete picture of how such mismanagement, inefficiency, and confusion affects the taxpayer. It naturally follows that a superabundance of useless pay-rollers is required to maintain so much duplication.

Government records reveal that in 1932 there were, in round numbers, 590,000 civilian employees on the Federal pay rolls. You will remember that the situation so amazed Candidate Franklin D. Roosevelt that he campaigned for the Presidency—and successfully too—with the promise that, if elected, he would cut all boards, bureaus, and commissions 25 percent.

But what happened? Instead of the promised curtailment we have been compelled to endure an increase in the number of civilian employees of the Federal Government that is in no way commensurate with the increase in population, and certainly does not represent sound value for the services rendered.

The over-all picture of today as compared to 1932 is: 1932, civilian employees, 583,196; 1945, civilian employees, 3,667,861.

That is an increase of more than 500 percent over a period of 12 years—an increase of more than 3,000,000 employees to administer affairs of government for 130,000,000 persons. It means that each group of 37 men, women, and children in this Nation is supporting an adult employee on the Federal pay roll.

Giving the babes in arms, as well as other nontaxpayers, a break, we find that an estimated 50,000,000 persons, contributing 2 cents and up to the Federal Treasury in the form of income taxes, paid the salaries and expenses of 3,667,861 Federal employees. That adds up to 13½ taxpayers supporting 1 Federal employee.

What follows such inflation in bureaucracy is inescapable. The Federal Treasury is being drained to maintain these useless boards, bureaus, and commissions at a time when every conscientious legislator, with the welfare of his constituents at heart, is studying ways and means of easing the tax load.

The latest reorganization law, passed in 1939, was short-lived. The war thrust upon our peacetime mushroom growth of bureaus a pentagon-like superstructure of new agencies and commissions. In the mad scramble to organize emergency wartime bureaus, even those with

only peacetime pursuits took advantage of the general confusion to add to their personnel, under the subterfuge of functioning for the war effort. Duplication of effort—both in war and nonwar activities—was avoidable. Nevertheless, for more than 12½ years no one has been successful in an attempt to stay the indiscriminate hiring of millions of new employees.

As I have pointed out, the Congress itself has failed to effect remedial measures in more than a century of trying. Obviously, we have reached a turn in the road.

We can blunder along with ineffectual attempts by the legislative department to bring about deflation of bureaucracy and its superfluity of personnel. Or, we can take the most direct and effective route to gaining results, namely, by leaving complete authority with the Chief Executive, by demanding that, clothed with such authority, he undertake the project at once, and by holding his office strictly accountable.

A study of H. R. 4129, the enabling act for such reorganization, reveals that Congress does not relinquish its control. Rather, the bill states that the President shall investigate the organization of all Government agencies to reduce expenditures and promote economy, and that he shall submit his recommendations to Congress not later than July 1, 1948. The reorganization plans, which may be submitted piecemeal, agency by agency, will take effect within 60 days of submission to Congress, providing that the two Houses do not pass a concurrent resolution disapproving the proposed reorganization.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. HENRY. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. The gentleman related in his very able, informative speech, that we have increased the Federal pay-rollers from 583,000 plus in 1932 to 3,600,000 plus in 1945.

Mr. HENRY. Yes.

Mr. ROBSION of Kentucky. I wonder what there is in the record of President Truman or anybody connected with him that would inspire the gentleman to believe that they will cut down instead of go up?

Mr. HENRY. Nothing except the President's own good judgment, honesty, and integrity. There is no other recourse that we can adopt except take that chance.

Mr. ROBSION of Kentucky. Has not the President been a part of the administration making these increases and voting for them and sustaining them for more than 10 years?

Mr. HENRY. I cannot answer that.

Mr. DWORSHAK. Mr. Chairman, will the gentleman yield?

Mr. HENRY. I yield to the gentleman from Idaho.

Mr. DWORSHAK. Does the gentleman believe that the head of the executive department now lacks authority to make the necessary retrenchment and curtailment which the gentleman says are so essential at this time?

Mr. HENRY. I do not think he lacks authority, no, but this places the duty on the President and makes him act.

Mr. DWORSHAK. He is head of the executive branch of the Government and has full responsibility and authority now. There is little to justify any hope that the budget requests which come up here will offer any recommendations or proposals that we cut down on our Federal pay roll which has increased over five hundred-fold, as the gentleman has pointed out. The President already has the authority. What is preventing his acting now?

Mr. HENRY. I do not think there is anything that prevents it, but this forces the duty upon him.

Mr. DWORSHAK. He has had that duty for a long time.

Mr. HENRY. Thus, the Congress, having heretofore vested in the President the authority to create new agencies, now demands that the President abolish such agencies that have become useless, reorganize and consolidate those whose functions overlap.

It is expressly stated in the bill that wherever it has been determined that the functions of any agency have been automatically terminated by passage of time or fulfillment of its original purposes, then no reorganization plan shall transfer such nebulous functions to any other agency. This safeguard will be appreciated by those who are apprehensive lest reorganization resolve itself into mere shifting of personnel without achieving results in the form of reduced numbers of employees and curtailment of expenditures.

Certain departments have had to be exempted from reorganization. The reasons for this were intelligently explained to the committee. Briefly, the exemptions arise from the fact that the Interstate Commerce Commission, the Federal Trade Commission, and the Securities and Exchange Commission are quasi-judicial agencies, and any plan affecting the Civil Service Commission, the Federal Communications Commission, the Tariff Commission, and the Veterans' Administration must be submitted to the Congress separately and not embodied in a general reorganization.

The bill prevents abolition of any executive department while at the same time carrying safeguards against creation of a new one. Withal, the greatest safeguard contained in the measure is the reservation that the entire plan is subject to congressional review and veto.

We will soon undertake the Victory Loan drive for the sale of \$11,000,000,000 of United States securities. And we are all reminded how generously the American public has responded to all of the previous War Loan drives as evidenced by the fact that each was heavily oversubscribed.

But the shooting is now over, and in view of all of the present wastefulness on the part of Washington officialdom, I am wondering if our appeal to bond purchasers will have a rather hollow ring unless prompt reorganization of the agencies of our Government, with resulting economies and elimination of overlapping effort and functions, is not

made possible by the enactment of H. R. 4129. In the absence of such legislation, will the people meet a quota of \$11,000,000,000 willingly when they know that waste as usual is to be the continuing policy in Washington?

Upon a government simple but strong in its construction has been engrafted a system of bureaucracy which appalls with the amazing speed of its development. It has become a gargantuan monster so powerful that it is almost capable of mastering its own creator, the Congress.

I urge passage of H. R. 4129 and I am willing to support any sound amendment which will strengthen its objectives and at the same time protect the interests and the powers of the Congress. It is the instrument by which we are instructing the President to forthwith set the executive house in order. The American people are demanding economy and efficiency and he will be held to account if he fails to submit all of the necessary plans.

By passing legislation at this time we shall demonstrate to the people of America that we are sincere in our effort to economize and to inject some semblance of sound business practice into the operation of government.

Mr. CHURCH. Mr. Chairman, I yield myself such time as I may require.

(Mr. CHURCH asked and was given permission to revise and extend his remarks.)

[Mr. CHURCH addressed the Committee. His remarks will appear hereafter in the Appendix.]

Mr. MANASCO. Mr. Chairman, I yield 20 minutes to the gentleman from Mississippi [Mr. WHITTINGTON].

Mr. WHITTINGTON. Mr. Chairman, as the chairman of the committee has stated, immediately following the message from the President requesting powers of reorganization, the chairman introduced substantially the Reorganization Act of 1939 as the basis for hearings on reorganization. The original bill was completely rewritten. It has been reported as H. R. 4129, after hearings. The rule which has been granted waives points of order, but the bill is being considered under the general rules of the House. Amendments are in order. That rule affects the bill in only one regard. Referring to the authority for consolidations or transfers, it provides, by waiving points of orders, that the appropriations may be transferred.

Mr. Chairman, there is widespread criticism of overlapping, duplication, and inefficiency in the executive departments. Congress has been vocal and loud in its criticism. We have used the word "bureaucracy" as a sweet morsel. The country has criticized wasteful and useless bureaucracy. The President agrees. He has requested power to reorganize. With the prosecution of the greatest war in history, under powers conferred upon him in the First War Powers Act, there has been an unparalleled expansion of executive agencies. These agencies will expire 6 months after the war.

The need now for reorganization is greater than heretofore. There are today, for example, some 17 agencies deal-

ing with public housing. I shall not detain you to enumerate the list. These have been more or less consolidated in the National Housing Agency under the War Powers Act, but those consolidations will expire automatically 6 months after the war. The Federal Government owns one-fifth of all the lands in the country. There are some 11 bureaus dealing with Federal lands. In the field of public welfare there are about eight agencies dealing with vocational rehabilitation and education. There are same six agencies dealing with nutrition programs and research. There are three agencies dealing with the care of dependent children. In the field of labor relations there are some 12 agencies. While some of these labor agencies have been recently consolidated by the President of the United States, those consolidations will expire 6 months after the war. There are many agencies dealing with transportation, including regulation, operation, promotion, research, and shipping agencies. As the Comptroller General pointed out, there are some 75 bureaus, divisions, and agencies of the Government that have important connections with transportation. Now it is time for us to put our house in order. The Comptroller General well said—and I quote his language:

The present set-up is a hodgepodge and a crazy quilt of duplications, overlapping, inefficiencies, and inconsistencies, with their attendant extravagance. It is probably an ideal system for the tax eaters and those who wish to keep themselves perpetually attached to the public teat, but it is bad for those who have to pay the bill.

Congress and the country demand reorganization. The people are sold on reorganization. The President I repeat agrees. He says, "Give me the power. You have given my predecessors the power, give it to me."

What is the method? It has been said that Congress by a simple statute can abolish duplicating agencies with duplicating functions. It is not so simple as that. Congress has never reorganized the Government. I challenge anyone to point to a single statute passed by the Congress of which you are now a Member or by our predecessors. Congress does not reorganize. If we judge the future by the past, Congress will not reorganize. What is the practical solution of this difficult problem? It has been suggested that we could authorize the President of the United States to reorganize. The solution I repeat is not as simple as that. The power to reorganize is a legislative power. That power must be and can only be exercised by Congress as provided by the Constitution. We can either exercise the power directly by passing statutes approved by both Houses of Congress or, within certain well defined limitations and after setting up standards and policies and defining the subject matter, Congress can authorize the Executive to provide and submit plans for reorganization. In order to do that, according to the decisions of our Supreme Court, it is necessary for the Congress to set forth the subject matter in clear and unequivocal language. It is necessary for Congress to prescribe the method, the standard, and the yardstick, I under-

take to say that the pending bill meets that test. Executive orders have been issued under the Reorganization Act of 1932 as amended and reorganizations have been before the Supreme Court in two cases and have been approved. The pending bill contains an adequate policy and definite standards and defines the subject matter. It is constitutional. In this connection, Mr. Chairman, I ask unanimous consent to insert at this point, under permission previously granted me, in the House a brief with respect to the constitutionality of the proposed legislation.

(The matter referred to is as follows:)

CONSTITUTIONALITY OF TITLE I OF THE
REORGANIZATION BILL

Title I of the reorganization bill vests in the President the power to reorganize the several agencies of the Government. Such a reorganization will necessarily entail the transfer, the establishment, and abolition of certain agencies. Since this, under ordinary circumstances, would have to be accomplished by an act of Congress, the question immediately arises as to whether, by conferring this power upon the President, Congress has authorized him to exercise legislative power in violation of the Constitution.

The issue of delegation of legislative power has been raised in the Supreme Court a number of times in the past and although it has been raised successfully but three times (*Panama Refining Co. v. Ryan* (1935), 293 U. S. 388; *Schechter Poultry Corporation v. United States* (1935), 295 U. S. 495; *Carter v. Carter Coal Co.* (1936), 298 U. S. 238. The Carter case will not be discussed herein since it involves only the validity of a delegation to an unofficial body), the Court has announced the principles upon which to judge such cases. Thus, it appears that Congress cannot delegate to an agent its power to make law. However, it may authorize an agent to regulate a subject matter which Congress itself might regulate by statute, if in so doing sufficient restriction is imposed upon the power of the agent to prevent him from substituting his will for that of Congress as to what the law shall be. Hence, if Congress in a statute clearly states the subject with which its agent is authorized to deal, and prescribes the policy of Congress with respect to such subject, so as to furnish an adequate standard to guide its agent in carrying out the delegated power, the statute will not be considered as delegating legislative power. If the agent, however, has been authorized to regulate any subject he may choose, or if Congress has properly restricted him to a particular subject matter but has failed to state adequately its policy with reference thereto, in either case the agent has been authorized to exercise legislative power.

An excellent statement of these principles appears in *Sears, Roebuck & Co. v. Federal Trade Commission* (C. C. A. 7th, 1919; 258 Fed. 307), in which the Court upheld the Federal Trade Commission Act (38 Stat. 717, U. S. C., title 15, secs. 41-51). In the course of its opinion, the court stated (at p. 312):

"With the increasing complexity of human activities many situations arise where governmental control can be secured only by the board or commission form of legislation. In such instances Congress declares the public policy, fixes the general principles that are to control, and charges an administrative body with the duty of ascertaining within particular fields from time to time the facts which bring into play the principles established by Congress. Though the action of the Commission in finding the facts and declaring them to be specific offenses of the character embraced within the general definition by Congress (unfair methods of com-

petition) may be deemed to be quasilegislation, it is so only in the sense that it converts the actual legislation from a static to a dynamic condition. But the converter is not the electricity."

Since the validity of a statute when attacked on the ground that it constitutes an invalid delegation of legislative power depends upon the definiteness of the instructions given by Congress to its agent, the authorities must be examined to determine what statements of policy or standards have been considered in the past to be sufficiently precise.

In *Field v. Clark* ((1892), 143 U. S. 649), the Court dealt with the third section of the act of October 1, 1890 (26 Stat. 567), which enacted a schedule of duties on certain merchandise and empowered the President to cause these duties to go into effect against the products of any country producing such merchandise, which imposed upon American products duties or other exactions deemed by the President to be reciprocally unequal and unreasonable. The phrase "reciprocally unequal and unreasonable" was held to constitute a sufficient standard to guide the President in so regulating the duties.

The case of *Buttfield v. Stranahan* ((1903), 192 U. S. 470), involved the act of March 2, 1897 (29 Stat. 604), which made it unlawful to import into the United States any tea "which is inferior in purity, quality, and fitness for consumption to the standards provided in section 3." Section 3 empowered the Secretary of the Treasury, upon the recommendation of a board of tea experts, to fix uniform standards of purity, quality, and fitness for consumption of all tea imported into the United States. The Court held that Congress had stated a policy to forbid the importation of "the lowest grades of tea, whether demonstrably of inferior purity, or unfit for consumption, or presumably so because of their inferior quality," and concluded that this statement of policy was sufficiently definite to guide the executive officers.

In *United States v. Grimaud* ((1911), 220 U. S. 506), the Court considered a statute (the act of February 1, 1905, 33 Stat. 628) providing for the establishment of certain forest reservations and giving to the Secretary of Agriculture the power to "make such rules and regulations and establish such service as will insure the objects of such reservation, namely, to regulate their occupancy and use and preserve the forests thereon from destruction." Thus, the executive officer was instructed to regulate the use and occupancy of the national forests so as to "preserve the forests thereon from destruction." This standard was held by the Court to be adequate.

Section 135 of the Tariff Act of 1922 (42 Stat. 358) has also been upheld. By that section the President was empowered to adjust the duties on imported merchandise so that they would equal the difference between the cost of production in the country of origin and the cost of production of like merchandise in the United States. In *Hampton & Co. v. United States* ((1928), 276 U. S. 394), the Court held that Congress' statement of its legislative plan was sufficient to permit the delegation to an agent of the duty to fill in the details. See also *Hampton & Co. v. United States* ((1927), 14 C. C. P. A. 350).

The Radio Act of 1927 (44 Stat. 1162) permits the Federal Radio Commission to grant licenses when "public convenience, interest, and necessity requires." In *Radio Commission v. Nelson Bros. Co.* ((1933), 289 U. S. 266), it was held in effect that the standard furnished by the quoted phrase was sufficiently definite to prevent the Commission from substituting its will for that of Congress as to what the law should be.

The Trading with the Enemy Act (40 Stat. 411), which authorized the President to sell property seized under that act in any manner

"consistent with the public interest," was upheld in *United States v. Chemical Foundation* ((1926), 272 U. S. 1).

The phrase "unfair methods of competition" has been held to constitute a sufficient standard not only when used in the Federal Trade Commission Act, heretofore mentioned (*Sears, Roebuck & Co. v. Federal Trade Commission, supra*), but also when used in section 316 of the Tariff Act of 1922 (42 Stat. 943); *Frischer & Co. v. Elting* (C. C. A. 2d, 1932, 60 F. (2d) 71).

The Antidumping Act (42 Stat. 11) authorizes the Secretary of the Treasury to impose additional duties upon merchandise to the extent that the foreign market value exceeds the exporters' sales price. This formula was held to be sufficiently definite in *Kleburg & Co., Inc., v. United States* ((C. C. P. A., 1933) 71 F. (2d) 332).

In contrast with the above decisions, the statement of policy in the National Industrial Recovery Act (48 Stat. 195) was held inadequate in *Panama Refining Co. v. Ryan* ((1935) 293 U. S. 388) and *Schechter Poultry Corporation v. United States* ((1935), 295 U. S. 495). Consequently certain sections of the act which conferred regulatory powers upon the President were held invalid as delegations of legislative power. In those cases it was contended that the policy or standard to guide the agent was contained in section 1. In that section it was declared to be the policy of Congress to remove obstructions to the free flow of interstate and foreign commerce; to promote the organization of industry; to induce and maintain united action of labor and management; to eliminate unfair competitive practices; to promote the fullest possible utilization of productive capacities of industries; to increase consumption; to reduce unemployment; to improve the standards of labor; and otherwise to rehabilitate industry; and to conserve national resources.

In the Panama Refining Co. case the Court considered section 9 (c) which conferred power upon the President to prohibit the transportation in interstate commerce of oil produced in excess of quotas permitted by State law. The Court held that the subject of the President's regulation was completely stated, for section 9 (c) specifically provided that the transportation of "hot" oil in interstate commerce was to be prohibited. It concluded, however, that Congress had not fully stated its policy in this regard, for it had not indicated at what time or under what circumstances it intended this prohibition to go into effect. The statements of policy in section 1 were regarded (p. 418) as "simply an introduction of the act, leaving the legislative policy as to particular subjects to be declared and defined, if at all, by the subsequent sections."

In the Schechter case the validity of section 3 (c) of this act was involved. This section authorized the President to approve codes of fair competition, upon a finding that the codes would tend to effectuate the policy of the act. The question there presented was regarded as more fundamental than that presented in the Panama case, for the statute did not include a precise statement of the subject to which the President's regulatory power under section 3 (c) was addressed. The Court, after having turned to the statements of policy in section 1, stated that it was unable to determine what constituted, or what regulation might be included in, a code of fair competition and it therefore held that the statute had failed to specify with sufficient particularity the subject with which the President was authorized to deal. Accordingly, it concluded that, the President's discretion in prescribing rules for the Government of trade and industry being virtually unfettered, the code-making authority conferred by the act was an invalid delegation of legislative power.

It may be concluded from the authorities set out above that in delegating regulatory power to an agent, Congress, in the statute making the delegation, must specify: (1) The subject matter over which the power is to be exercised; and (2) a policy or standard to guide the agent in the exercise of the delegated power. An illustration of the nature of these necessary elements is found in the case of *United States v. Grimaud*, heretofore referred to. There the subject to which the delegated power was addressed was stated by Congress to be the occupancy and use of the national forests. The policy or standard prescribed by Congress to guide its agent in regulating such occupancy and use was the preservation of the forests from destruction.

It is now necessary to apply these principles to the provisions of the reorganization bill. Under section 1 of that bill, the President is required to investigate the organization of the agencies of the Government to determine what changes are necessary to accomplish the purposes specified in the seven subsections of that section, namely:

"(a) To improve the effectiveness of administrative management of the Government;

"(b) To reduce expenditures to the fullest extent consistent with the efficient operation of the Government;

"(c) To increase the efficiency of the operations of the Government to the fullest extent practicable within the revenues;

"(d) To group, coordinate, consolidate, reorganize, and segregate agencies and functions of the Government, or any part thereof, as nearly as may be, according to major purposes;

"(e) To reduce the number of such agencies by regrouping or consolidating those having similar functions under a single head, and by abolishing such agencies or such functions, or any part thereof, as may not be necessary for the efficient conduct of the Government;

"(f) To eliminate overlapping and duplication of effort; and

"(g) To segregate in any agency of the Government regulatory functions which are exercised in essentially the same manner as the functions of a court are exercised, from any policy-determining, prosecution, enforcement, or other administrative or executive functions, and to transfer any of the above-mentioned functions from one agency to another and so segregate such functions in the receiving agency."

Under section 2, whenever the President finds and declares that any transfer, regrouping, consolidation, reorganization, segregation, or abolition of any agency or part thereof is necessary to accomplish any of the purposes set forth in section 1, he is required to make such change by Executive order.

Unquestionably, the subject to which the delegated power is addressed, namely, the reorganization of the agencies of the Government, is set forth with sufficient definiteness, for the President is told in section 2 precisely with what he may deal and what he may do with respect thereto; that is, he may deal with the agencies of the Government by transferring, regrouping, coordinating, consolidating, reorganizing, segregating, or abolishing such agencies. The meaning of all these terms is well recognized and the President is not empowered by this section to take any action which does not fall within them. Thus, section 2 of this act differs from section 3 (c) of the National Industrial Recovery Act, for the court, in the *Schechter* case, held that the terms of the latter which described the subject of the President's regulatory power—codes of fair competition—had no well-defined meaning and would have permitted the President to make any type of regulation he considered necessary or advisable for the rehabilitation or expansion of industry.

Having determined that section 2 of the reorganization bill contains a sufficiently definite statement of the subject matter to which the President's power is addressed, the only remaining question is whether the policies or standards declared in section 1 are adequate to guide the President in exercising the delegated power. When several standards are set forth to guide the agent in the exercise of the granted power, it is necessary, in order to determine whether legislative power has been delegated, to examine the most indefinite of the several standards and if that be sufficient to govern his action, the statute can be said to be valid.

Of the standards set forth in section 1, subsection (c) of that section contains the most indefinite. It provides that the President may exercise his power so as to "increase the efficiency of the operations of the Government to the fullest extent practicable within the revenues." Thus Congress has stated its policy, namely, to reorganize the agencies of the Government so as to increase the efficiency of the operations of the Government to the fullest extent practicable within the revenues. A comparison of this policy or standard with those which have received judicial approval in the decisions heretofore cited clearly shows that it would be considered a sufficient guide to the Executive. Obviously the standard here set forth is more definite than was that approved by the Supreme Court in *United States v. Chemical Foundation*, supra, in which the President was empowered to sell certain property of the Government when it was in the "public interest," or that prescribed in the Radio Act of 1927, which permits the Federal Radio Commission to grant a license when "public convenience, interest, and necessity require" (*Federal Radio Commission v. Nelson Bros. Co.*, supra). Moreover, the standard under discussion is much more precise than that approved in *Buttfield v. Stranahan*, supra, in which the Secretary of the Treasury was authorized to forbid the importation of tea which was "inferior in quality" or "unfit for consumption." It is unnecessary to set forth further precedents, for those already stated clearly indicate that the President's power to effect a reorganization under this bill is controlled by limitations which are more precise than those which have been heretofore approved by the Supreme Court.

Nor can the standards prescribed in section 1 of the reorganization bill be compared with the statement of policy in section 1 of the National Industrial Recovery Act for the Supreme Court in considering that act, did not regard section 1 as setting out standards but merely as serving as an introduction to the act. (See p. 6 of this memorandum.) Section 1 of the reorganization bill cannot be dealt with in this fashion, for the bill clearly indicates the intention that the provisions of section 1 shall serve as a guide to the President in making reorganizations under section 2. In this connection, it will be observed that he is required to investigate and to find and declare that the policy set forth in section 1 will be furthered before he can exercise any of the powers conferred upon him by section 2.

Moreover, even if the statements of policy in section 1 of the National Industrial Recovery Act had been considered as a declaration of standards but had been rejected by the Court as too indefinite to serve as a guide to the Executive, the scope of the power delegated by the reorganization bill is so much narrower than that delegated by the National Industrial Recovery Act that the standards set forth in the two are not proper subjects for comparison. Where the delegated power is narrow in scope the standards to guide the agent in the exercise of that power may be less definite for the agent's discretion is limited by the very nature of the subject matter. This is illustrated by an excerpt from the opinion of the Court in the *Schechter* case (at p. 540) concerning the licensing authority of the Federal Radio Commission:

"The authority of the Commission to grant licenses 'as public convenience, interest, or necessity requires' was limited by the nature of radio communications, and by the scope, character, and quality of the services to be rendered and the relative advantages to be derived through distribution of facilities."

Direct support for the constitutionality of the reorganization bill is found in the judicial decisions and the opinions of the Attorneys General regarding the Reorganization Act of 1932 (47 Stat. 413), as amended by the act of March 3, 1933 (47 Stat. 1517), since title I of the present bill is patterned closely after the provisions of the 1932 act which confer upon the President the power to reorganize the agencies of the Government.

The delegation of authority therein contained was upheld in an unpublished opinion of Attorney General Cummings on June 8, 1933. Moreover, Attorney General Mitchell, in stating that the validity of section 407 of the Reorganization Act of 1932 was extremely doubtful (37 Ops. Attys. Gen. 56), apparently considered the delegation of authority in that act to be valid. Section 407 provided that any Executive order issued under the act should be transmitted to Congress and should not become effective until after the expiration of 60 days from such transmission; and that if, during the 60-day period, either branch of Congress passed a resolution disapproving the Executive order, it should become null and void. Mr. Mitchell questioned the constitutionality of this section, because, Congress having made a valid delegation to the President of the power to issue such Executive orders, they became law upon their effective date, and Congress could not alter, amend, or repeal them, except by the enactment of legislation.

In addition, numerous Executive orders have been issued under the authority of the Reorganization Act of 1932, as amended, and their validity has been attacked on only two occasions. In both cases the validity of this legislation was upheld (*Isbrandtsen-Moller Co. v. United States* (D. C. S. D. N. Y. 1936), 14 F. Supp. 407 [recently affirmed by the Supreme Court on other grounds, 4 U. S. L. Week 639]; and *Swayne & Hoyt, Ltd., v. United States* (S. Ct. D. C. 1936), 10 Am. Mar. Cases 1790).

Furthermore, in prior statutes providing for governmental reorganization the Executive has been given broad powers. A good example of this is the Customs Reorganization Act of 1912 (37 Stat. 434), which authorized the President to reorganize the Customs Service with a view to reducing expenses. In making such reorganization and reduction in expenses, he was authorized to abolish or consolidate collection districts, ports, and subports of entry and delivery, to discontinue needless offices and employments, to reduce excessive rates of compensation below amounts fixed by law or Executive order and do all things that in his judgment might be necessary to make such reorganization effective. In that act his discretion was limited by the requirement that he reduce expenditures. Another example is the Overman Act (40 Stat. 556), by which the President was authorized to reorganize the agencies of the Government. His discretion in effecting such reorganization was limited only by an extremely general statement of policy to the effect that he was to act in the interest of national defense. Although these statutes were never tested in the courts, they indicate a legislative practice of giving the President broad discretion in the field of administrative reorganization.

Other examples of delegations of authority to make administrative reorganizations follow: Act of February 14, 1903 (32 Stat. 830), President authorized to transfer from designated departments to the Department of Commerce and Labor any bureau performing "statistical or scientific" work. Act of June 24, 1910 (36 Stat. 613), Secretary of the Navy, with the approval of the President, authorized to distribute the functions of

the Bureau of Equipment of the Navy Department among other bureaus of that Department "in such manner as the Secretary of the Navy shall consider expedient and proper." Act of March 3, 1917 (39 Stat. 1122), President authorized to abolish bureaus or agencies in order to eliminate duplication of service.

CONCLUSION

It is submitted that the reorganization bill contains no delegation of legislative power for the subject matter with which the President is authorized to deal, is definitely stated and an adequate policy or standard is prescribed to guide him in the exercise of his power.

Mr. WHITTINGTON. Mention has been made about preserving the constitutional powers of the Congress to abolish, consolidate, or eliminate duplications and duplicating functions. In wartime we have given that power to the President of the United States. We gave him that power without any restrictions and without reserving any right to disapprove in the Overman Act of May 20, 1918. In this connection, may I say for those who are apprehensive as to what the Chief Executive will do under those powers, that under the 1918 act he had broad power without limitation and without submitting to Congress for its disapproval a plan to combine or to abolish. The Overman Act was in force for more than 4 years and the President never at any time during or after the war undertook to abolish a bipartisan board.

The Congress of the United States in the present war, in 1941, in the First War Powers Act, reenacted word for word the provisions of the Overman Act of 1918 with respect to consolidations and eliminations. I ask the privilege at this time of reading, for the information of the Members who are interested in this great and perplexing question, the provisions of the First War Powers Act. I quote:

The President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, governmental corporation, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this title and to this end is authorized to make such regulations and to issue such orders as he may deem necessary, which regulations and orders shall be in writing and shall be published in accordance with the Federal Register Act of 1935: *Provided*, That the termination of this title shall not affect any act done or any right or obligation accruing or accrued pursuant to this title and during the time that this title is in force: *Provided further*, That the authority by this title granted shall be exercised only in matters relating to the conduct of the present war: *Provided further*, That no redistribution of functions shall provide for the transfer, consolidation, or abolition of the whole or any part of the General Accounting Office or of all or any part of its functions.

I call attention that under section 7 of the pending bill the Comptroller General is not included in the term "agency," as under the Budget and Accounting Act. He is, and I quote, "independent of the executive department." His office is declared in the pending bill to be a part of the legislative branch of the Government.

The First War Powers Act is the law at present. That will continue to be

the law for 6 months after the present war has been declared to have ended. Under that power the President of the United States, the present occupant of the White House, has never undertaken to abolish a bipartisan agency. The only case where there has been a board transferred to a Cabinet head of a Department is the Board of Civil Aeronautics. I shall not go into that. I believe in the rule of the majority. It takes both Houses to pass a law. Whatever may be said about the Civil Aeronautics Administration Act, that act could not have been passed in the first instance unless the Senate and House had agreed. The reorganization was rejected by the House in the first instance, but it was not rejected by the Senate by a substantial vote. It required the vote of both to disapprove. But the point is that the apprehension that the President of the United States will abolish these bipartisan agencies is utterly disproved by the record. It was transferred and is still bipartisan.

I should like to say this further. In the Reorganization Act of June 30, 1932, amended March 3, 1933, and amended finally on March 20, 1933, the President of the United States was given carte blanche to submit reorganizations without exemptions. There was not a single exception embodied in that act, which remained in force for 2 years.

We are fortunate in having as a member of our committee my distinguished colleague, the gentleman from Missouri [Mr. COCHRAN], who is as honest as the day is long. He was a Member of Congress at the time of the reorganization in 1932. There was never any attempt at any time to eliminate any bipartisan agency. The argument that the purpose of this legislation is to eliminate bipartisan agencies, to a thoughtful mind falls of its own weight when we reflect that the Republican Party, when in power, could at any time have abolished a bipartisan agency. Most of these bipartisan agencies have been established during the Democratic administration. That administration, without a reorganization bill, could have abolished them at any time. Is there a better and more effective method of reorganization than that proposed in the pending bill? Let him who has such a plan come forth with it or forever hereafter continue only to advocate reorganization by lip service.

The delegation of power must be in terms that are clear. I think it well for us to keep in mind that we are delegating power in this bill to the Chief Executive to make the consolidations. We delegated that power to President Hoover in 1932. He submitted a plan just before he went out of office. We think that is unwise. We are preventing the present Chief Executive from repeating that. We limit this act to the July 1st before his term of office expires. President Hoover, under the act as originally passed in 1932, submitted a reorganization plan. Either House under that act could defeat his reorganization. One of the ablest attorneys in the United States, recently selected by the Committee to Investigate Pearl Harbor, the then Attorney General W. D. Mitchell, held, and the lawyers within the sound of my voice will appreciate the reasoning, that

Congress can delegate on any well-defined subject matter and well-defined standards, the power to legislate, but he held that rejection by one House rendered the act of 1932 of doubtful constitutionality, and Congress agreed with him by rejecting the plan.

Having delegated that power, only the Congress can disapprove or reject it. The provision in the original act that one House could defeat it was eliminated and we promptly amended that act on March 3, 1933. The Hoover Reorganization Act was rejected on both sides of the House primarily because it was unconstitutional, and in the next place it was rejected because the Director of the Budget himself said that it was unworkable. President Hoover, in effect, said: "I merely combine; my successor will do the coordinating;" and Congress decided that if his successor were to do the coordinating he should also do the combining.

I wish there had been further economies in previous reorganizations. There have been a number of them. There are men within the sound of my voice who recall the valuable reorganizations following the act of 1932. You will recall that the Farm Credit Administration was established as a separate agency. I could enumerate others. There were five plans submitted under the act of 1939, and I remind you that there was only a contest in one instance, and that was with respect to the Civil Aeronautics Administration, Plan No. IV, and that plan, first rejected by the House, but approved by the Senate, later was approved by both Houses. The programs of the then Executive under powers conferred upon him were finally approved by the Congress. That is the record of the Executive, that is the record of the trial of the method here proposed. Under the other plan, to wit, through direct congressional action—and I am a Member of the House jealous of its prerogatives—under the other plan there can be, and there has been, no reorganization whatsoever.

As has been said, the question before us is nonpartisan. He who opposes must propose a better plan. We hear a lot of whispering. However, my friend from Indiana was absolutely clear. He came out into the open. He pointed out that under all of the reorganization acts, under the Overman Act of 1918, the act of 1932 and the act of 1939, and under the present First War Powers Act, there were two cases where he was dissatisfied or rather which he criticized, and either of those cases now could be remedied by a proposal initiated by the chief witness introduced in behalf of his dissatisfaction.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. RANDOLPH. Mr. Chairman, I yield 20 additional minutes to the gentleman from Mississippi.

Mr. WHITTINGTON. As my colleague the gentleman from Missouri [Mr. COCHRAN] stated, I favor in principle the provisions of the act of 1932 making no exemption, and, pardon me for saying it, I am as interested from the standpoint of the agencies with which my committee or the committees of which I am a member deal as any other Member of the

House; but my obligation to my Government and to my country is greater than my obligation to any committee or to any department of the Government. From my study of this proposal of reorganization through the years I am convinced that the more the exemptions the less the reorganization. In the first instance, I would oppose any exemption. We remember what happened in 1939; we are practical legislators or statesmen. The Reorganization Act of 1939 came up at a time when there was a widespread opposition to the proposals of the then President of the United States with respect to the Supreme Court. While the Congress had given him the power of reorganization without a single exception 5 or 7 years before, after extended argument and compromise there were exceptions adopted. Unable to prevent any exemptions, I agreed to the fewest number that fell in well defined groups or categories, being regarded as arms of Congress or quasi judicial bodies. I believe in majority rule. The exceptions are one reason, in my judgment, why there was not more and better reorganization under the act of 1939.

You will find on page 26 of the hearings a statement from the Director of the Budget that there are about 26 principal executive agencies of the Government established by act of Congress, and he names them there. There are about 58 in all. All of these independent agencies are either established directly by an act of Congress or they are established by the Chief Executive under power we have conferred upon him. There are some 58 of these agencies, as I have said, and it was absurd to exempt 21 of them, as was done in 1939.

We ask now for reorganization. We demanded the elimination of waste, duplication, and extravagance and by one blow we excepted substantially one-third of all the agencies in 1939. We got five plans but not as much reorganization as we should have had.

The need is more imperative than ever. There are many reorganizations under the First War Powers Act. I will give you an illustration that has impressed me, the Department of Labor. There was one reorganization Executive order after the other and while I have not conferred with him, I give it to you as my judgment from my study and general observation that the present Secretary of Labor was really shorn of any substantial power to solve the great labor problems in the country. It was said to me reliably that shortly after he accepted the position of Secretary of Labor, the Assistant Secretary and the Department itself did not know that the Government of the United States had taken over the Illinois Central Railroad, one of the great railway systems in the country because of strikes until he saw it in the public press. The need for reorganization of the Department of Labor into a comprehensive organization has never been greater than it is at the present time.

Mr. Chairman, I should like at this time to undertake an analysis of the pending bill, then I will be glad to answer any questions that I can. As to the yardstick, as to the program, there is section 2:

To reduce expenditures and promote economy, * * * to group, coordinate, and consolidate agencies, and functions—

Not just as the President wants to or might want to, but according to their major purposes—

to reduce the number of agencies by consolidating those having similar functions under a single head, to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government, and to prevent overlapping and duplication of effort.

Now, I want to call attention to this significant language:

The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding immediately under the provisions of this act, and can be accomplished more speedily thereby than by the enactment of specific legislation.

Then we provide the plan in section 3. The President must, after investigation, find that, first, the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, or second, the abolition of all or any part of the functions of any agency, or third, the consolidation of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof, or fourth, the consolidation of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof, or fifth, the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reorganizations specified in the reorganization plan will not have, any functions, will accomplish the objectives of this act.

There must be submitted to both Houses on the same date a plan, and we provide that he shall designate the agency which he consolidates and transfers and that he can provide a head for it. There will be a committee amendment offered to save any question of transfer of boards, and there is provision for the transfer of records and property.

Then we have the safeguards provided in section 5: First, the President of the United States cannot abolish any Cabinet position. He cannot combine any Cabinet positions. Those matters are of such major importance that we believe that all such positions, having been established directly by Congress, should only be abolished or combined by an act of Congress. Second, we say under this act that no reorganization shall have the effect of changing the name of any executive department. If he wants to change the name of the War Department, that is for the Congress to do. Third, he cannot continue any agency for a longer period than that provided by law. Fourth, he cannot continue any function for any period longer than we have provided by law. Fifth, he cannot provide for any function that is not expressly authorized by law.

There are exceptions in this bill, and I think with reason, although in principle I oppose or I have stated exceptions. The bill provides that the Interstate Commerce Commission, a fact-finding agency,

a semijudicial agency, the Federal Trade Commission and the Securities and Exchange Commission cannot be abolished, and they are exempt from the provisions of this bill, except that powers may be transferred to them, and those agencies thus may be used as the basis for transfer of powers and authorities to them. There are other agencies not in the same category. The Interstate Commerce Commission was established some 60 years ago. It is the right arm of the Congress with respect to rates. But there are other agencies that Executives in times past have undertaken to disturb, and among those is the Civil Service Commission. We say if the Chief Executive wishes to reorganize the Civil Service Commission, he must offer a plan affecting that agency alone so that Congress may vote it up or down.

We believe that the Federal Communications Commission, having control over radio, must never be under any Executive and without responsibility to Congress. So we say that if there is to be any improvement in the Federal Communications Commission, in the United States Tariff Commission, or in the Veterans' Administration, that the President shall be required to submit a separate plan with respect to each of those agencies and its functions so that the Congress can either vote it up or down. Those agencies are not like the Interstate Commerce Commission: which has been imbedded in our history for almost 60 years. Then we have a similar provision which obtains with respect to the civil functions of the Engineer Corps of the United States Army, established not by special law but in the War Department since 1802, which has functioned as the agency and spokesman of Congress in determining and recommending to Congress with respect to public improvements and in advising Congress when flood control and river and harbor work proposals are such that the benefits to be obtained will exceed the costs. It was the view of this committee that the Corps of Engineers should be in that category. Then we provide in this bill that no reorganization shall become effective if it is not submitted before July 1, 1948, in order that we not have a similar case to that which occurred in 1932. The reason for this limitation of 2 years is to urge the Chief Executive promptly to survey and to make reorganizations and submit them for our consideration.

Section 6 contains the provision for carrying into effect the reorganization plans. Then we have a definition of "agency" in section 7. We are dealing with executive agencies and executive departments. The Comptroller General is excluded because we have provided in the Budget and Accounting Act that he shall be independent of the executive departments, that he can be removed only by congressional action, and that his powers shall be exercised without direction from any other officer.

In section 8 we have the matters that are deemed to be reorganizations. We have the saving provisions in section 9 and in section 10 about the payment of funds into the Federal Treasury.

Now we come to title II in this bill, which is probably the most important provision of the bill. In the original act

we passed in 1932 either House of Congress could disapprove a reorganization plan. We provided in the amendment to that act that the reorganization would become effective at the expiration of 60 days unless Congress by law provided otherwise, which meant by a resolution passed by both Houses and approved by the President—the only way I know of to enact a law. Every one of those reorganizations under the act of 1933 became law.

In 1939, after considering all methods of reorganization, it was provided that the proposals of the President, to whom we had delegated this power, should become effective unless the two Houses within 60 days should disapprove a reorganization plan. The Congress did something further in the act of 1939 that it never did before. It did something that was not done in 1932 in the Reorganization Act. It absolutely guaranteed a consideration and a vote with respect to the disapproval of the reorganization. It is said that cloture has never been adopted in the Senate of the United States. Let the statement go, but in the Reorganization Act of 1939 we adopted a cloture provision binding upon both the Senate and the House that absolutely guaranteed a report by the committee on any resolution of disapproval and a consideration by both Houses of Congress within that 60 days, so that if any reorganization plan submitted by the Chief Executive did not meet with the approval of the Congress of the United States, that disapproval would be manifested in the way provided by the law, to wit, by a concurrent resolution adopted by both Houses of Congress. We bring that forward in this bill, and it is important.

My good friend the gentleman from Michigan [Mr. HOFFMAN] would undertake to reverse that policy that has been tried and tested. His proposal is that having delegated this power under the Constitution to the President, having set up the standard, having adopted the program—and the language of this bill is not original, it has a well defined meaning—having stipulated the subject matter, his proposal now is that it shall never become the law, that reorganization shall be of no effect, unless the Congress by a concurrent resolution affirmatively approves the legislation we have authorized the Chief Executive to submit within 60 days.

Come, reason with me. What change does that make in the existing law? By passing a law by both Houses of Congress, taking action now, this week, next week, we can provide for reorganization. We have never done it. We are human. My complaint is that the Chief Executive himself, not on one committee or on several congressional committees, with the interest of the entire Nation at heart, has been slow to reorganize. If we were to adopt, with all seriousness and in all fairness to my distinguished friend, who is for reorganization, his provision of conferring legislative prerogatives on the President of the United States, under the restrictions supposed to make them constitutional, that would not accomplish reorganization. In other words, if the Congress of the United States is to

act in the first instance, why a reorganization act at all?

Mr. Chairman, we have safeguarded this bill. We have conferred vast powers upon the Chief Executive. We provide in this bill "Thou shalt not," when we say he cannot establish a new executive or Cabinet department. We say to him "No matter how many may be in favor, thou shalt not combine two Cabinet offices." But we have said more than that. We have provided for cloture in both the Senate and the House. We have said, "After you have thoroughly investigated reorganization and after you have conferred with the interested agencies and with the Congress of the United States and submitted a plan, in the event that reorganization is not satisfactory to the Congress not one man, not one body, but the Congress that conferred the power upon you, may, by concurrent resolution, disapprove the plan."

I conclude as I began: We are either for reorganization or we are against it. We must provide for it constructively. This bill, in my judgment, has profited by the previous reorganization bills. It has profited by its mistakes. It is the best reorganization bill ever submitted to the House of Representatives. The act of 1939, in speaking of the objectives, eliminated the word "economy." This bill includes it. The act of 1939 eliminated the words "the abolition of functions." Why abolish an agency because of duplication without abolishing its functions? This act provides for the abolition of functions. It is a better bill. We have undertaken to safeguard the rights of the Congress in disapproving the reorganization under the 60-day provision. Under the act of 1939, if the Congress of the United States had taken a recess as we did in the latter part of July of this year, that time would have run in the 60 days. We have safeguarded that by providing for such a contingency so as to require a continuous session of both Houses of Congress, thereby guaranteeing to the representatives of the people in the Senate and in the House the power to disapprove without any sort of question by cloture, and by providing that the question must be voted up or down. We have delegated power to reorganize to the Executive. I would not be in favor of delegating those powers except by definite language. It has been before the Supreme Court. We ought not to take any chances. There lies the danger with reference to those who would like to amend this language by amendments on the floor. My contention is that having delegated the power to the President with safeguards to prevent what happened to the National Industrial Recovery Act and to the Agricultural Adjustment Act which were declared unconstitutional, by definitely stipulating the yardstick, the subject matter, and the policy, it would be unwise now for us to go up the hill again and say that after we had delegated that power to the President and after we had reserved the power to disapprove it, we now do as proposed by the gentleman from Michigan [Mr. HOFFMAN] and the gentleman from Minnesota [Mr. Judd] what we could do without this legislation

at all; to wit, pass a bill by both Houses of Congress, approving reorganization.

I now yield to the gentleman from New York.

Mr. COLE of New York. There are two questions on which I would like to have the gentleman's viewpoint because I recognize that he and the gentleman from Missouri are probably better informed on this subject than any other Member of the House. The first question is, Does this bill enlarge in any way the present war powers of the President?

Mr. WHITTINGTON. It does not. That is a very pertinent question and I will answer the gentleman by saying, when this bill was introduced by our distinguished chairman, when a similar bill was introduced in the Senate, there was a provision to repeal in whole or in part in one or both of those bills the First War Powers Act. This committee took the position that that is a big question. It was being considered by the Committee on the Judiciary if not by other committees of the House. The Committee on the Judiciary reported the first war powers bill. We studied the question. We went into it. The war powers conferred upon the President expire 6 months after the war automatically. We ran into the difficulty that before we know it if we undertake in this present bill dealing with reorganization to also provide for modification, repeal, or amendment of the War Powers Act, we might authorize the continuance of some agencies that Congress had not heretofore provided for. The bill does not amend or repeal the First War Powers Act.

Mr. COLE of New York. Does this bill permit the President to do anything by way of organization that he cannot do under the present authority of the War Powers Act?

Mr. WHITTINGTON. Yes. It is very much broader. I have gone into it. I have read both of them. This covers a great deal more than the First War Powers Act. The War Powers Act says, for instance, that he is authorized to make groupings and coordinations to prosecute the war. We say for economy. We say to prevent overlapping. We say to provide for efficiency. We say to abolish useless functions. This bill is for peace. The War Powers Act was primarily for war.

Mr. COLE of New York. If there is some distinction between the authority contained in the present law and this bill, then there is some reason for the July 1 time limitation?

Mr. WHITTINGTON. Absolutely.

Mr. COLE of New York. One other question. Is there any serious controversy in this bill other than the exemption of commissions, contained in section 5 (b), and the method of congressional ratification?

Mr. WHITTINGTON. I am unable to read the minds of Members. The bill was unanimously reported. It does provide for limited exceptions.

Mr. COLE of New York. From the gentleman's attendance at his committee hearings and his study of the matter, I thought perhaps he could answer that question.

Mr. WHITTINGTON. There are two ways to kill a bill. You and I have been in the House a long time. One way is to amend it. Another way is to offer exceptions. However, I think the gentleman's statement that those not satisfied with the bill will offer additional exceptions and will undertake to amend by substituting approval for disapproval, is substantially correct.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MANASCO. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. WHITTINGTON. I would say that the matter of offering additional exemptions has been presented. I do not know what other matters will be presented. I have covered the amendments proposed by the gentleman from Michigan, for approval rather than disapproval. I would say that these are the two principal matters that are indicated to be in controversy.

Mr. COLE of New York. Exemptions under section 5 might be enlarged to include those suggested by the gentleman from Indiana [Mr. HALLECK], and with which some people agree, and permit the President to make recommendations effecting reorganizations unless the Congress by a concurrent resolution vetoes. Then also permit the President, as to those commissions which are exempt under section 5, to submit to Congress reorganization proposals, but provide that they will not become operative until the Congress, by affirmative action through concurrent resolution, declares in favor of it. I wonder what the gentleman's attitude would be on such a proposal.

Mr. WHITTINGTON. The veto question of the three which the gentleman asked I agree with. I think it should be made effective in 60 days unless we take action of disapproval. The exemptions should continue to be limited. I oppose the affirmative action, but I advocate the right to disapproval.

I do not know of any more constructive way to provide for reorganization.

With respect to the Interstate Commerce Commission, the Federal Trade Commission, and the Securities and Exchange Commission, I do not know of anybody who wants to deprive those agencies of their functions. I do not conceive of any President who would have done it. But I said, if we are to make exemptions, those agencies are in a class by themselves. The past administration, the late President Roosevelt, had the power to provide that the Federal Power Commission should fix rates. He conferred that power upon the Secretary of the Interior by Executive order, and under existing law the Secretary of the Interior has a right to dispose of power and fix rates, and it is in a different category than the Interstate Commerce Commission.

In my judgment, the constructive approach to the solution that you have in mind will be accomplished by retaining three agencies in a class by themselves and not by multiplying agencies that would be exempted in addition to those that are named in the bill, because if you do multiply them, the more you except the less you reorganize.

Mr. COLE of New York. Is the gentleman prepared to say that the Interstate Commerce Commission, the Federal Trade Commission, or the Securities and Exchange Commission might not be properly reorganized?

Mr. WHITTINGTON. I am prepared to say that, while personally I would leave it all to the President, if they are to be reorganized it shall be by transfer to them of additional functions without abolishment of its present functions.

Mr. MAY. Mr. Chairman, will the gentleman yield to me?

Mr. WHITTINGTON. I yield to the gentleman from Kentucky.

Mr. MAY. Of course I agree that the only way on earth to have a proper reorganization bill is to except nothing, and leave it entirely to the President to reorganize, dissolve, and do away with whatever unnecessary agencies we have. I want to ask the gentleman a question with respect to one particular bureau that seems to be running at large, and of course I know that when I name it somebody will laugh about it. What do you do with respect to the Tennessee Valley Authority, that is admittedly a competitive organization, competing with taxpaying private industries?

Mr. WHITTINGTON. I think that is a fair question, and I expected it from the gentleman from Kentucky, knowing his interest in the Tennessee Valley Authority. We leave it just where we found it. There is nothing provided about the Tennessee Valley Authority in this bill. It is not excepted from the provisions of the bill.

Mr. MAY. Running at large.

Mr. WHITTINGTON. I can only repeat it is not excepted from the provisions of the bill.

I now yield to the gentleman from Michigan, the ranking member of the committee.

Mr. HOFFMAN. To enact this legislation into law the measure must receive a majority vote of both Houses; must it not? We agree on that; do we not?

Mr. WHITTINGTON. We do; that is right.

Mr. HOFFMAN. Certainly. Then the gentleman said a moment ago we should give this power to the President and then recover it. Is it not true that if the President sends down a plan and gets the assent of either House, it would become effective?

Mr. WHITTINGTON. I stated this—we delegate, but both Houses reserve the right to disapprove.

Mr. HOFFMAN. Is not that true? I know the gentleman wants to get into other things.

Mr. WHITTINGTON. I answered by saying the reorganization would be effective after 60 days if neither House assented. Previous reorganization bills provided that the reorganization would become effective after the expiration of 60 days unless we acted. For the first time the gentleman's amendment proposes that we have the right in the first instance, that both Houses of Congress must really adopt the legislation. If that method is sound, there would be no occasion for reorganization. We might as well pass legislation to reorganize,

without delegating powers to the President in the first instance.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield to my friend from Minnesota.

Mr. JUDD. If it were not for the constitutional question which the gentleman from Mississippi says is involved in allowing a reorganization plan sent down by the President to be rejected by the disapproval of one House, would he object to having such an amendment? He says it is unconstitutional, but men like the gentleman from Texas [Mr. SUMNERS], the distinguished chairman of the Judiciary Committee, and the gentleman from Georgia [Mr. Cox] have taken another view.

Mr. WHITTINGTON. If the gentleman will permit, I will state that I favor provision for disapproval within 60 days. I think that the two Houses having delegated the power to the President ought to have the right to pass on the reorganization, and the right to disapprove. I am glad to answer the question.

Mr. JUDD. But the gentleman does not believe we ought to provide so that a resolution of disapproval by one House would make invalid any reorganization plan, that is, prevent it from going into effect?

Mr. WHITTINGTON. Once again I state that if both Houses have to act to grant the power to the President the only constructive way to handle it is to have both Houses disapprove the reorganization.

Mr. JUDD. Then you approve abdicating our responsibilities and granting to the President and one House power to adopt a plan even though the other House disapproves it.

Mr. WHITTINGTON. No; both Houses must act to give the power in the first instance and both Houses reserve the right to pass on what the President does. I now yield to my friend from Illinois.

Mr. CHURCH. Assume that this House disapproves by a practically unanimous vote a plan submitted by the President and further assume that the other body is persuaded by the President to refuse to disapprove the plan.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MANASCO. Mr. Chairman, I yield the gentleman one-half minute in which to answer the question.

Mr. WHITTINGTON. That question is answered by the opinion of Attorney General Mitchell, to which I have previously referred.

The President has asked that the job of reorganization be done. He asked that he be given the powers of reorganization which were conferred upon his predecessors. I urge that we give him the powers. I believe that he will exercise them courageously, fearlessly, promptly, and impartially. He has the confidence of the country. President Truman knows that the country expects the reorganization of the permanent executive departments. Such reorganization has been too long delayed. If Congress gives him the power, the President will do the job.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. If my time has not expired, I gladly yield—

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MANASCO. Mr. Chairman, I yield the gentleman an additional half minute to answer the gentleman.

Mr. CHURCH. The gentleman did not answer my question. I asked the gentleman to assume that this House, by a practically unanimous vote disapproves a plan submitted by the President, and to further assume that the President would be able to convince the other body that it should refuse to disapprove the plan. Would the gentleman then favor this bill?

Mr. WHITTINGTON. I favor the bill; both Houses must act to confer the power upon the President. The House might pass any bill unanimously but unless it passes the other body, the Senate, it does not become the law. It takes both Houses to pass the reorganization bill. Both Houses thus delegate the legislative powers of reorganization, prescribing the subject matter and the standards to the President. Congress might provide for reorganization by both Houses adopting reorganization in the first place. But Congress admits that it is impracticable for Congress to reorganize. Congress complies with the law by delegating the authority. Having delegated the power to the President, unless Congress has good reason, there should be no disapproval.

To safeguard the legislative prerogative always heretofore Congress has provided for the reorganizations to become effective unless resolutions are passed within 60 days. An affirmative resolution by both Houses of Congress is nothing more nor less than passing legislation that Congress can now pass. We run smack into the fact, however, that Congress has passed no such legislation. If we delegate the power to the President we should not disapprove without good reason. No resolution means approval. The delegation of powers to the President is thus completed. The conditions have been complied with. Having delegated the power, Congress should not do more than reserve the right to disapprove.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. CHURCH. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. LAFOLLETTE].

Mr. LAFOLLETTE. Mr. Chairman, I find it possible generally to support this sort of legislation. I shall want to support an amendment which will be offered by my colleague the gentleman from Minnesota [Mr. Judd]. At this time I want to speak directly on two amendments affecting the bill.

The first of these I shall pass over briefly because it has been accepted by

the committee as a proper clarifying amendment, but for the benefit of the Members who read the RECORD I would like under previous authority granted to insert it at this point. It is an amendment changing subsection 1, section 4, page 4, by striking out lines 16, 17, and 18 and inserting in lieu thereof new language, as follows:

(1) Shall change, in such cases as he deems necessary, the name of any agency affected by a reorganization, and the title of its head; and shall designate the name of any agency resulting from a reorganization and the title of its head.

Mr. Chairman, I also propose to offer an amendment when we reach that stage which will include the following language to be inserted after the period, line 3, page 4:

And a statement of the facts and reasons upon which each such finding is based.

My reason for offering this language is that it is consistent with my concept of the way in which our Federal Government should operate. I have no objection to delegating authority to the Executive, but I am very jealous of the Congress of the United States being at all times able to judge adequately and fully the manner in which powers and authorizations have been carried out.

A reading of the bill discloses that in section 2 the Congress fixes five standards to which the Executive shall conform in making any reorganization under the authority granted to him.

Section 3 provides five methods by which he shall attain those standards, but it also says that as to these methods by which he attains the standards which we fix, he shall prepare a reorganization plan for making the transfers, consolidations, and abolitions as to which he has made findings and which he includes in the plan.

The word "findings" as used in this bill means what we mean in the law by the term "conclusion of fact." I want to be sure that there is available for the Congress, when we act upon any plan, the facts and the reasoning from those primary facts by which the findings or conclusions are reached and that they are presented in any reorganization plan. It is essential to the granting of authority that we should demand the facts from which the President concludes that the five standards which we set out in section 2 are reached shall be presented to us so that we may determine whether or not his findings are logical or his findings are consistent with common standards of reasoning, which is the term used by the Supreme Court of Indiana in determining the sufficiency of findings reached by fact-finding bodies.

It has been said by way of objection in the discussion of this amendment that if we insert this language a court might be able to determine that perhaps the facts upon which the President reached his findings or conclusions were not sufficient to conform to the standards which we laid down in section 2, and for that reason one might successfully defeat certain aspects of the plan, if the facts from which the President reached his findings, that he had complied with the stand-

ards are made available. I then say to you that as far as I am concerned I have consistently in this body opposed any attempt by direct legislative action to interfere with the functions of the courts. That was my principal ground of objection to the insurance legislation which was in here in the last session. By the same token I must object to an indirect method of depriving a court of jurisdiction by failing to set out the facts from which it may conclude that the findings are or are not consistent with accepted common modes of reasoning.

So I cannot go along with those who say that we should not insert the requirement that I insert, because perhaps from the facts set out in the plan of reorganization a court might find that the findings of a particular reorganization plan, which the President made, were not based upon sufficient facts. To do so would be to deprive by indirection the courts of the country of the functions which our Constitution gives to them, so that as to the position implicit in that argument, I do not wish to be a party.

Definitely I am making an appeal without regard to party to those who in this body from time to time have denounced bureaucratic arrogation of authority, to those within this body who have denounced the usurpation of authority, by proposing a method by which they can establish, in this instance, at least, an effective method of implementing the principles in which they say they believe. It is in a sense a challenge to those I have heard make this denunciation, with which in many cases I am in accord. But I am not satisfied, if you please, to step into the well of this House and denounce a weakness without, if possible, offering an effective means of combating it. And that is what I am asking this House to do or will ask it to do when we reach the amendment stage.

I make no criticism of the Executive. It is no criticism of the intent of the Executive. But we owe an obligation to ourselves and we owe an obligation to the principles upon which this Government is founded to require that the Executive shall state the facts from which he reaches his conclusions so that we might have some standard by which to judge the effectiveness of his reasoning and the logic of his proposal. If we do not do that, we have no method by which we can adequately judge this plan when it comes back.

The proposal, therefore, which I am making, is made in the very best of good faith, and it cannot involve the good faith or the lack of good faith in the Executive because we are in the same position as saying, "Yes, we believe you will do all right but it is our job to see that you do all right." We are in about the same position as we are when a man comes to us and says, "Will you loan me some money?" and you say, "Yes, surely, sign this note." Then if he is offended and says, "Oh, no, I do not want to sign a note, I will pay you back," does not your common experience tell you as men that that is a man whom you have reason to distrust? Therefore, how can any man argue by analogy that we do not have the right to say to the Executive, "We ask

you to set out the facts by which you reach your conclusions," because he is in substance saying, "Well, but we know the Executive will do that." Assume that the Executive will. It would be good business in the case of a loan, and it is sound political philosophy to do it in this body. It is one of the most definite ways I know by which the purpose of the Congress, in our scheme of government, can be carried out and by which the Congress may effectively judge, when the plan is resubmitted to us, the action which has been taken under the powers which we hereby grant.

Mr. WHITTINGTON. Mr. Chairman, I yield 20 minutes to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Chairman, the bill (H. R. 4129) is considered by this body at a period in the history of our country when we are face to face with the death-like grip of the tentacles of what I believe we can properly call the octopus of government.

It shall be my purpose as a newer member of the Committee on Expenditures in the Executive Departments to part company with more able and experienced members of the committee, on which I am fortunate to serve. This is done not as to the objectives or the reasons motivating the necessity for prompt action of the Congress for passage of this legislation. I shall explain, however, in vigorous manner I hope, my feeling that the proposal now before us fails to reach into the real heart of the trouble and will in the last analysis fall short of achieving those reforms and those efficiencies which are vital to the better functioning of government.

I will support the measure, and I do it enthusiastically, as was the case in 1939, yet during the hearings, as my colleagues will concur, I have said again and again that we are giving, if this bill becomes law, the power to the President of the United States to abolish agencies and bureaus and their functions, yet we fail to give to our Chief Executive of the United States the authority to consolidate or to abolish any of the 10 departments of the executive branch of the Government.

Mr. Chairman, from where do the expenditures in peacetime flow in our Federal structure? Why, 80 percent goes to departments of all the money that is spent which comes from taxes collected from the American people. That 80 percent is spent not by the bureaus and agencies, but by the departments of Government. I urge the membership of this Congress and the citizens of our common country to effect economies, and to do that task we must act with courage and not approach timidly the problem by any half-way gesture.

I say in a very humble fashion, but I believe in a straightforward manner, that although the 10 departments of our Government are important, they have no standing in the Constitution. They are all creatures of the Congress of the United States. They are in no sense sacred, just as there are no bureaus or agencies that are sacred. Under this legislation, we give to the President of the United States, Mr. Truman, who, during his tenure of office must carry

out the challenge that it is a growing belief, as expressed again and again by speakers in the well of the House, that the Congress cannot apparently do this job and will not do it. Yet, my colleagues, we chain the hands of our Chief Executive and say, "Yes, abolish an agency or a bureau but never touch a department of the United States."

Mr. CHURCH. Mr. Chairman, will the gentleman yield for a correction?

Mr. RANDOLPH. Yes; I would want to be corrected.

Mr. CHURCH. The President is not now prohibited by law from making recommendations to Congress that departments be abolished.

Mr. RANDOLPH. I well understand that, sir. I have not indicated otherwise. But now we propose to delegate to him new powers not embraced in mere recommendations for change in our Federal structure.

Under this legislation no single department of government could be abolished. None could be consolidated. No additional department could be created.

Mr. CHURCH. Under a plan submitted—

Mr. RANDOLPH. We will call it a plan.

Mr. CHURCH. As submitted by the President.

Mr. RANDOLPH. No two or more departments could be merged; yet a bureau within a department could be transferred. A bureau within a department could be abolished. Several bureaus may be transferred or abolished within a department. A number of these bureaus may be taken out of one department or several departments and regrouped outside of the 10 departments to which I have referred. The character of one or several of these bureaus or agencies could be changed. This is where I believe we stop short.

Where, Mr. Chairman, falls the light and where come the shadows? We fail to realize that we are giving to the President of the United States under this legislation 99 percent of the vested power and then we are withholding the 1 percent which is the important percentage. If we are to do the thorough job of reorganization of the Federal agencies, then cannot we include within the workable scope the departments of the executive branch of our Government. In other words, the President can leave simply a shell of a department, could he not? He could make all of these changes within its structure and there would be nothing of substance remaining. Even the very name of the department might be a misnomer. But he would have the power to do all this, and yet he could not strike at the innermost part of this problem.

I would like you to go a little further with me in my thinking. Let us reason together. I never heard a better witness before a committee of this Congress in which I have been privileged to serve, for almost 14 years, than the able Comptroller General, Lindsay Warren, when he appeared before our group. To me the philosophy which he expressed was a doctrine that was not only helpful in the consideration of the pending legislation but a stimulant which we should absorb

in considering all the legislation which comes before this body. A thoughtful reading of his testimony, as contained in the printed hearings, is worth while.

I remember well, however, that Lindsay Warren in his statement indicated that Congress would not do this reorganization job and it had to be delegated to the President of the United States to undertake this tremendous responsibility. We present this bill because the Congress, apparently, from the statement of Mr. Warren and the statements by members of our committee, will not do it affirmatively. We are afraid. They say we are loath to proceed. If, as Mr. Warren said so convincingly, the Congress will not do this duty, then why is it not as important to give to the President of the United States the power to operate on a department as a whole as to operate upon 99 percent of the body politic of that department?

Mr. Chairman, I desire to read a letter which I have addressed to the President of the United States, under date of October 1, 1945. It is a very short communication, and for that reason I direct your attention to its content:

OCTOBER 1, 1945.

President HARRY S. TRUMAN,
The White House, Washington, D. C.

DEAR MR. PRESIDENT: In your message to the Congress of the United States May 24, 1945, you asked that legislation to revise the Government executive agencies "be sufficiently broad and flexible to permit of any form of organizational adjustment, large or small, for which necessity may arise."

In your message to the Congress September 8, 1945, you requested that legislation should "be sufficiently flexible to permit any kind of adjustment for which necessity may arise."

Beginning Wednesday, of this week, the House will consider H. R. 4129, a bill to provide for reorganizing agencies of the Government, and for other purposes. This measure, and also a bill dealing with this same subject matter in the Senate, does not give the Chief Executive the power to consolidate or create new departments.

During hearings before the House Committee on Expenditures in the Executive Departments, I focused attention on the need now for the creation of a Department of Defense by consolidating the War and Navy Departments. It was my feeling that since the President, under our Constitution, shall be Commander in Chief of the Army and Navy of the United States, he would be in a better position than any other official or group in our Federal structure to determine the desirability of a plan for the reorganization of our armed services.

I am persuaded, in view of the history of legislation to consolidate the Army and Navy, that Congress will be reluctant to act affirmatively. It would be genuinely appreciated by myself, and other Members of Congress, if you would clarify your position in reference to congressional authority being provided to the President to reorganize and consolidate departments, as well as agencies and bureaus, as H. R. 4129 contemplates.

Sincerely yours,

JENNINGS RANDOLPH.

I have referred, as you noted, to the President of the United States in his capacity as Commander in Chief. That, my colleagues, comes about through section 2 of article II of the Constitution, which provides:

The President shall be the Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States,

when called into the actual service of the United States.

This provision was penned by John Rutledge, of South Carolina, and seconded by Edmund Randolph, of Virginia.

Certainly the official who is charged with the command of the armed forces of this Republic is in my opinion in a better position than any officer in the forces, than any official in the Federal Government or in the States—yes, even than the Congress of the United States—to determine in the first instance how these forces should be organized and how they would be used in time of war.

It is decidedly no diminution of the constitutional or statutory authority of any officer in these armed services or any civilian officer of the Nation, including the Secretaries of War and Navy or of the Congress, to provide by statute which will be approved by the President, that he shall propose a plan for the reorganization of these armed services. Congress may then, by concurrent resolution, stay its operation if it is not agreeable to what has been proposed. If the statute should provide that the stay should be by resolution of either House the statute would violate the Constitution for the reasons stated by the former Attorney General, Mr. Mitchell, to President Hoover, in his opinion 37 Op. A. G. 56, to which reference has been made, at least in part today by the very able gentleman from Mississippi [Mr. WHITTINGTON], who made a splendid analysis of this bill.

Many futile attempts have been made over a long and disappointing history in the Congress of the United States to consolidate the War and Navy Departments into a single Department of Defense or a single Department of Armed Services or of whatever name you desire to call it. The history of that legislation is one of the sad experiences for the men who have sincerely believed in the proposal during many years.

Prior to our entrance into World War II again and again proposals came to the Committee on Expenditures in the Executive Departments, but no hearings were held on the subject matter. I remember—and I speak now not in criticism but only to give you the factual background—that back in 1940, one and a half years before our country was engaged in this war I made vigorous attempts to have consideration before the Committee on Expenditures in the Executive Departments. Then it was appropriate to go thoroughly into the subject matter of a consolidation of the War and Navy Departments into a unified command with a Secretary of Defense sitting in the Cabinet and under secretaries for land, for sea, and for air, and with the establishment of the air forces into a hard-hitting air arm which could be used to win this global struggle which has now been brought to victory.

At this point a copy of the measure I sponsor is set forth:

H. R. 550

A bill to establish a Department of Defense, to consolidate therein the Department of War and the Department of the Navy and for other purposes

Be it enacted, etc.; That this act may be

cited as the National Defense Reorganization Act.

ESTABLISHMENT OF DEPARTMENT OF DEFENSE

SEC. 2. (a) There is hereby established at the seat of government an executive department to be known as the Department of Defense, which shall be administered by a Secretary of Defense, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive the same compensation as other heads of executive departments.

(b) Section 158 of the Revised Statutes is amended to include the Department of Defense, and the provisions of title IV of the Revised Statutes, as now or hereafter amended, shall be applicable to the Department.

(c) The Secretary of Defense shall cause a seal of office to be made for the Department, of such device as the President shall approve, and judicial notice shall be taken thereof.

(d) There shall be in the Department of Defense three Under Secretaries of Defense and three Assistant Secretaries, to be appointed by the President, by and with the advice and consent of the Senate, who shall perform such duties as may be required by law or prescribed by the Secretary of Defense. Each Under Secretary shall receive compensation at the rate of \$12,000 per annum, and each Assistant Secretary shall receive compensation at the rate of \$10,000 per annum. The Under Secretaries shall be known, respectively, as the Under Secretary for the Army, the Under Secretary for the Navy, and the Under Secretary for the Air Force, and, so far as practicable, each such Under Secretary shall, under the general direction of the Secretary of Defense, have charge of that branch of the national defense indicated by this title. The Assistant Secretaries shall be known, respectively, as the Assistant Secretary for the Army, the Assistant Secretary for the Navy, and the Assistant Secretary for the Air Force, and each such Assistant Secretary shall, under the direction of the appropriate Under Secretary, assist in the administration of that branch of the National defense indicated by his title. There shall also be in the Department such other officers and employees as shall be transferred to the Department of Defense under this act, and such other officers and employees as may from time to time be provided for by Congress.

TRANSFER OF WAR AND NAVY DEPARTMENTS

SEC. 3. (a) The Department of War and the Department of the Navy and all that pertains thereto are transferred to the Department of Defense, and the Department of War and the Department of the Navy shall cease to exist as separate executive departments.

(b) The offices of Secretary of War, Secretary of the Navy, Under Secretary of War, Under Secretary of the Navy, Assistant Secretary of War, Assistant Secretary of the Navy, Assistant Secretary of War for Air, and Assistant Secretary of the Navy for Air are abolished, and the functions, powers, and duties vested in and imposed upon such officers are hereby vested in and imposed upon the Secretary of Defense.

(c) The transfer to the Department of Defense, under this act, of officers and employees of the Department of War and the Department of the Navy shall be without changes in classification or compensation, but the Secretary of Defense is authorized to make such changes in the titles and designations and prescribe such changes in the duties of such officers and employees as he may deem necessary to carry out the purposes of this act.

(d) All unexpended appropriations in respect of the Department of War or the Department of the Navy shall be available for expenditure by the Department of Defense and shall be treated as if the Department had been originally named in the laws making the appropriations.

ESTABLISHMENT OF AN AIR FORCE AS A SEPARATE BRANCH OF DEFENSE

SEC. 4. There is hereby established under the jurisdiction of the Department of Defense a separate branch of the armed forces, to be known as the Air Force. The Air Corps of the Army and all that pertains thereto are transferred to the Air Force. The President shall be Commander in Chief of the Air Force.

SEC. 5. (a) There are hereby created in the Air Force commissioned offices of such number as the President may determine to be necessary. The President is authorized to establish appropriate grades for such commissioned offices and to prescribe titles for such grades.

(b) The President is authorized—

(1) to appoint, by and with the advice and consent of the Senate, to the commissioned offices in the Air Force, officers of the Air Corps of the Army, and such other individuals as the President may determine to be fitted to perform the duties thereof:

(2) to prescribe the pay and allowances for the offices created by subsection (a) until otherwise provided by Congress, but no officer appointed under authority of this subsection shall receive lower pay or allowances than he was receiving as an officer of the Army when so appointed.

(c) Upon the taking office of any officer of the Air Corps of the Army, appointed under authority of subsection (b), the office held by him in the Army is abolished and the authorized strength of such branch of the national defense is reduced accordingly.

(d) Notwithstanding the provisions of section 3, any officer of the Air Corps of the Army who is not appointed and confirmed as authorized in this section shall continue as an officer of the Army, as the case may be, without loss of grade or rank.

SEC. 6. The President is authorized—

(1) To establish appropriate grades and ratings in the Air Force, to assign thereto warrant officers and enlisted men of the Air Corps of the Army transferred to the Air Force under this act, and to prescribe their pay and allowances, until otherwise provided by Congress, but no such warrant officer or enlisted man shall receive lower pay and allowances in the Air Force than he was receiving in the Army or the Navy.

(2) To make such changes in the titles of and prescribe such new duties for civilian personnel of the Air Corps of the Army transferred to the Air Force under this act as he may deem necessary. The transfer of such civilian personnel shall be without change in classification or compensation.

SEC. 7. All unexpended appropriations in respect of the Air Corps shall become available for expenditure by the Air Force and shall be treated as if the Air Force had been originally named in the laws making the appropriations.

MISCELLANEOUS

SEC. 8. (a) Unless otherwise provided by Congress, the President is authorized, for the purpose of perfecting the organization and coordinating the activities of the Department of Defense and of the Air Force created by this act, (1) to consolidate, eliminate, or redistribute the functions of offices, bureaus, agencies, branches, and organizations, to create new ones and fix the powers, duties, and functions of their executive heads; and (2) to take such other action, not inconsistent with the provisions of this act, as he may deem necessary.

(b) Insofar as is practicable and not inconsistent with the provisions of this act, and until otherwise provided by Congress, (1) the administration of the Department of Defense shall be governed by the laws in force with respect to the Department of War and the Department of the Navy at the time of their transfer under this act, and (2) the Air Force shall be governed by the laws in force (including laws relating to relative rank, promotion, retirement, enlistment, and

appointment of new personnel, reserves, and articles for the government of the Army and the Navy) with respect to the Air Corps of the Army at the time of their transfer under this act.

(c) The Secretary of Defense shall investigate and report to Congress a plan for further perfecting the organization and coordinating the activities of the Department of Defense and of the Air Force, together with such recommendations for legislation as he may deem necessary for carrying out such plan.

SEC. 9. All orders, rules, regulations, and permits or other privileges made, issued, or granted by or in respect of the Department of War or the Department of the Navy or by or in respect of the Air Corps of the Army and in effect at the time of the transfer of such departments and corps under this act, shall continue in effect to the same extent as if such transfer had not occurred, until modified, superseded, or repealed.

SEC. 10. The Secretary of Defense shall make annually at the close of each fiscal year a report in writing to Congress giving an account of all moneys received and disbursed by him and the Department, describing the work done by the Department, and making such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the Department.

TIME OF TAKING EFFECT

SEC. 11. This act shall take effect upon its enactment, except that sections 2 and 9, inclusive, shall take effect when the Secretary of Defense, the Under Secretaries of Defense, and the Assistant Secretaries of Defense have taken office.

Nothing was done, and I remember that effort was not the first attempt made by Members of this Congress to get a fact-finding hearing. I recall the testimony of Comptroller General Warren before our committee a few days ago in which he stated that in 1932 he was the member on the Committee on Expenditures in the Executive Departments who broke the tie so that the legislation to consolidate these Departments might be brought to the House floor. He said, "We could never get a rule." What happened then has happened on occasions since, and this is no disparagement of the Rules Committee, but it failed to allow the measure to be brought to the floor of this House. I ask the distinguished minority leader the gentleman from Massachusetts [Mr. MARTIN], who has had an intense interest in this subject, and other Members who are listening, to weigh in their own minds the tremendous savings in billions of dollars which would have been brought about if that consolidation could have been accomplished in the years before our entrance into World War II.

To use the language of Mr. Warren himself on September 5, when he testified, "I am convinced vast economies could be accomplished, not even mentioning the national defense." Yes; the economies would have been tremendous. We would have done away with the overlapping, with the duplication of duty, and with the fiasco of functioning which has taken place during the strategy and then the actual prosecution of this war. But it was not done. Then came this terrible conflict. Naturally, any man who was in favor of the proposal would drop it under the circumstances of the impact of war. But we determined that when the war was over we would again force the fight. That is what we are

doing today. The issue is being drawn.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. MANASCO. Mr. Chairman, I yield the gentleman six additional minutes.

Mr. RANDOLPH. Mr. Chairman, I say in all fairness, and I am happy to announce, that the chairman of our committee, the gentleman from Alabama [Mr. MANASCO] has promised me in writing that hearings on this subject will start in the near future. I know that he means to keep that promise. I say to you this afternoon, however, that on each and every occasion when we have proposed hearings, in peacetime, not in time of war, there has come word from the Navy Department, from the War Department, from one or both of these agencies, that this is not the proper time for the Congress of the United States to undertake such a study and determination.

Will the subject continue to be stymied? Let us hope it will not. I may offer an amendment to grant to the President power to consolidate the War and Navy Departments. What I am about to say is only a disagreement with the distinguished chairman of the Military Affairs Committee of the House and of the equally distinguished chairman of the Naval Affairs Committee, but they have seen fit within the last few days to use the language, "There will be no merger."

I include the following news story:

ARMY-NAVY MERGER HIT

WASHINGTON, September 27.—Plans for consolidation of the Army and Navy struck a snag today. The chairmen of both the House Naval and Military Affairs Committees took a stand against it.

The view of Representatives MAY (Democrat, of Kentucky), of the Military Affairs Committee, and CARL VINSON (Democrat, of Georgia), of the Naval Affairs Committee, means that Congress, or at least the House, won't even consider the subject for some time.

MAY and VINSON made their positions known as reports spread on Capitol Hill that President Truman might soon send a special message to Congress recommending a merger.

"There won't be any merger," VINSON said. "I am against merging the Army and Navy," MAY said.

In other words, by public statement they are shutting the door apparently by consideration by the Congress. We talk about saving money. Here we can actually, within a few years, save billions and billions of dollars to the taxpayers of this country. It will do away with waste and duplication which exists in the services today and will be one of the steps, I say, Mr. Chairman, that will test the courage and the vision of the membership of this body.

Mr. Chairman, I believe that we will do it. I believe that now, although we are faced with tremendous opposition which is publicly and in secret expressed.

Mr. HAVENNER. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from California.

Mr. HAVENNER. I would like to ask the gentleman a question. Perhaps he or somebody else can answer it. It is a question that has been asked me several

times today, and it is a subject of considerable interest on the part of a number of Members. The Congress has delegated its legislative authority to fix rates and to regulate the service of public utility corporations engaged in interstate commerce to four major agencies, the Interstate Commerce Commission, the Federal Power Commission, the Federal Communications Commission, and the Securities and Exchange Commission. Two of those agencies which are acting as the agents of Congress have been exempted in this bill. May I ask why all four have not been treated alike?

Mr. RANDOLPH. I will say to the gentleman from California that if I had my way about it, and I have expressed this in the committee, there would not be a single exemption written for any executive agency in the legislation which is brought before the House at this time.

Mr. THOMASON. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Texas.

Mr. THOMASON. The gentleman made an interesting speech and I share his views about consolidation of the War and Navy Departments under the head of a Secretary of the Armed Forces, or whatever you may want to call it; but when the gentleman spoke of hearings, may I remind him that only 3 or 4 months ago the Special Committee on Postwar Military Policy, headed by the distinguished gentleman from Virginia [Mr. WOODRUM], together with the ranking members of the Military and Naval Affairs Committee and the Maritime Committee, had exhaustive hearings on this very important subject. The hearings have been printed, and I think I may safely say that the Committee on Military Affairs will very shortly conduct hearings of their own looking to some solution of this very important problem. It seems to me, too, that a matter of that importance and dealing exclusively with military activities is well within the jurisdiction of the Committees on Military and Naval Affairs. When I say that I favor the consolidation, I believe that I voice the sentiment of the overwhelming majority of the members of the Committee on Military Affairs. Since that committee will shortly conduct hearings why I feel that it ought to be left within their jurisdiction.

Mr. RANDOLPH. Of course, I cannot speak for the Parliamentarian of the House. The legislation on this subject matter has been referred to the Committee on Expenditures in the Executive Departments. The measure which I repeatedly introduced, and is now H. R. 550, is pending before our committee. It certainly is within the province of the Committees on Military and Naval Affairs to consider this subject matter. It is also appropriate that the Select Committee, Postwar Military Policy, headed by the gentleman from Virginia [Mr. WOODRUM], a very fine Member of this House, should go into this matter exhaustively. That committee did go into the matter at length. I have read the hearings, and at this point include my statement before that group on May 19, 1944:

STATEMENT OF HON. JENNINGS RANDOLPH, A REPRESENTATIVE FROM THE STATE OF WEST VIRGINIA

The CHAIRMAN. The gentleman from West Virginia [Mr. RANDOLPH], who is deeply interested in the subject before us, has a statement to make. We will be glad to hear you, Mr. RANDOLPH, at this point.

Mr. RANDOLPH. Mr. Chairman and members of the committee, it is a privilege to present this statement of views on the subject of a unified command for our armed forces. In several Congresses I have introduced legislation to establish a Department of Defense. This proposal is embodied in H. R. 708, again put in the hopper January 6, 1943.

My testimony comes, of course, not from the standpoint of a trained or skilled tactician in the art of war. The following thoughts and observations are expressed wholly in my capacity as a citizen and also as a Member of the Congress of the United States, who has definite responsibility for assisting in the well-being of our Nation in times of conflict and in periods of peace.

Your committee, as I understand it, is not concerned at this time with the actual writing of legislation to create one command. I shall, therefore, not occupy time in explaining the provisions of the measure, H. R. 708, which would consolidate the Department of War and the Department of Navy, and would also establish the Air Force as a separate branch of the armed services under the jurisdiction of the Department of Defense. There would be created a Secretary of Defense and Under Secretaries for Army, Navy, and Air Force. I trust members of your important group will find the opportunity to study the provisions of this bill.

Gen. H. H. Arnold, in command of our Army Air Forces and doing a remarkably good job, gave testimony in 1935 before the House Military Affairs Committee. He was asked by Chairman John J. McSwain the following question:

"I want to ask you to speak out of your own heart and mind your personal conviction with regard to the necessity for independent and increased air power for the defense of America."

In his reply General Arnold said:

"I can see now where you can hitch a 1,000-mile plane on the operation of the Army or Navy today. I cannot see how, if you are going to use a 3,000-mile bombing plane, you can hitch that onto either the Army or the Navy for all its purposes; and if you get a 5,000-mile plane, then I cannot see how you can hitch its activities on either the Army or Navy.

"And beyond that dreaming a little further, you can have an 8,000-mile plane; then I know well you can't hitch it onto either the Army or Navy activities. It is something beyond the scope of either one.

"In order to get a properly trained and effective Department of National Defense, you have got to have three arms—land, sea, and air—equally self-supporting.

"I am of the opinion that sometime in the future this thing called a Department of National Defense is bound to come."

In 1941, Mr. Chairman, the National Aeronautic Association, with no ax to grind, made a noteworthy contribution to the subject matter of a single Department of Defense, in the following resolution:

"The present war has revolutionized methods of warfare and shown the vital necessity for the closest cooperation and unity of command between all fighting forces, with emphasis upon air power.

"The War Department has recently reorganized the Air Corps, creating a semiautonomous air force within the Department. While this reorganization is a step forward, the National Aeronautic Association believes it does not offer a solution to the national-defense problem. It does not guarantee the fullest cooperation, coordination, and de-

velopment which we believe necessary in the land, sea, and air forces.

"The National Aeronautic Association therefore recommends that the President of the United States promptly call upon the proper executive officers and Members of Congress to make a study looking to reorganization of the War and Navy Departments with a view to consolidation into one Department of National Defense, headed by a Cabinet officer, and subdivided into three divisions of land, sea, and air, each headed by an Under Secretary. Such a single Department of National Defense, we believe, will best serve the country by insuring the development of an Army and Navy of highest efficiency, together with an invincible air force, all properly coordinated."

We should, Mr. Chairman, have a streamlined and unified Department of National Defense instead of the now separate War and Navy Departments. Under legislation which I sponsor these departments would become important segments of a single defense command and our Air Force would become a separate part of the unified whole. Our three important fighting forces, Army, Navy, and Air Force, should be welded into one efficient defense machine under leadership of one coordinating head who would sit at the Cabinet table and speak for all branches of our fighting forces. There may have been a time when we could afford the luxury of separate War and Navy Departments. Such a time has become history with the swift-moving conflicts of the last few years.

Our air power cannot be developed under the framework of land power and sea power. It should be given a home of its own. It must be controlled and directed by men whose entire life has been devoted to the art of preparing and waging war from the air. The soldier and the sailor is no more qualified to direct the building of America's air strength and to control its employment in war than either is qualified to guide the destinies of the other. Until we realize that vital fact, our Air Force can never become a highly potent factor in the defense of this country.

We must liberate our air-fighting power from under the bushel that is now hiding its true light. The Army and Navy have not placed sufficient emphasis on air power prior to this World War, but it is encouraging to read the testimony of the War Department officials as to the need now for a single organization for defense.

It is wholesome, gentlemen of the committee, that you consider, under the impact of war, the arguments pro and con on this subject.

In conclusion I firmly believe that the War and Navy Departments must settle their differences by cooperation. This is frequently impossible since the personnel of each Department sincerely believes their own point of view is correct. Too often do conferences result in an impasse with nothing accomplished for the simple reason that there is no "boss." I have been told of the lack of unity of command in our Military Establishment. It is said that questions involving the drawing of proper war plans, the priority of one service over another, what service is to have command in a certain area and under certain conditions, constitute endless subjects of argument and disagreement. Too frequently, it is believed, conclusions arrived at do not constitute the best solution but are only agreements by compromise. Frequently no agreement at all is reached, but each department goes on its way doing what it thinks best for the national defense.

War, in its global aspects, is being waged by a triumvirate of powers consisting of land power, sea power, and air power.

There is no question of whether air power has supplanted, or will supplant, sea power. Each is essential for our national defense. Neither takes the place of the other—each

is complementary to the other. It is necessary to take the Army, Navy, and Air, and weld them into a homogeneous military force by creating a unified control.

It will also be possible to procure all war-making supplies and material by one agency functioning under one official who is directly responsible to the Secretary of Defense. Unnecessary duplication of effort would be eliminated. Singleness of purpose would staff of such a department and that singleness of purpose would be the defense of the United States.

The CHAIRMAN. Thank you very much, Mr. RANDOLPH. So far as I know, this concludes the hearings of the committee on this particular phase of our agenda. As soon as the hearings are revised by the several witnesses and printed, which may be very shortly, the committee will go into executive session and determine what is to be done at that time.

The committee is adjourned until further call.

(Whereupon, at 11 a. m., the committee adjourned sine die.)

But I say to you that months have passed since those hearings were held and that nothing of an affirmative nature was made in the way of a recommendation to the House.

I will place in the RECORD a letter received by our committee from the Secretary of War.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Illinois.

Mr. CHURCH. Has the gentleman received a reply to his letter to the President?

Mr. RANDOLPH. No; I have received no reply. The former Secretary of War January 23 wrote to our chairman about the Joint Chiefs of Staff and the conferences which were being held in the field, and that work went forward and that report has been received, but nothing has come since January. I quote from his letter, as follows:

On June 17, 1944, a special committee of the Joint Chiefs of Staff was established consisting of Army and Navy officers to make a detailed study and to make recommendations as to the most efficient, practicable organization of those parts of the executive branch of Government primarily concerned with the national defense, and the subject matter dealt within this bill is one of the matters which is being considered by this Joint Chiefs of Staff committee.

Only recently the committee has returned from a trip to the major theaters of war, where they have conferred with Army and Navy commanders in order to obtain their views upon the various matters which are under study by the committee, including the consolidation of the executive departments of the Army and Navy as provided for in this bill.

As yet the committee has not rendered its report, and until that report is made available the War Department does not feel that it would be in a position to comment fully upon the provisions of this bill. The War Department, therefore, desires to delay a full report on the proposed legislation until the Joint Chiefs of Staff committee has rendered its report and ample time has been given to the War Department to give it thorough study.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

The CHAIRMAN. The time of the gentleman from West Virginia has again expired.

Mr. CHURCH. Mr. Chairman, I yield the gentleman one additional minute.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from New York.

Mr. WADSWORTH. Perhaps I can supplement what the gentleman from Texas said about the work of the so-called Woodrum committee.

Mr. RANDOLPH. Yes; and the gentleman from New York has done splendid work on that committee. I know that, sir.

Mr. WADSWORTH. It is true that we have held exhaustive hearings, and the issue became so acute, not only among the services but before the public, that finally the Joint Chiefs of Staff reached the conclusion that they had better send committees of military personnel to the European theater and to the Pacific theater to inquire of the officers of the high command, like General Eisenhower and Admiral Stark and others in the European theater and Admirals Nimitz and Halsey and General MacArthur in the Pacific theater, as to what they thought of the proposal of the unification of the Departments. It took a considerable period of time for those committees to make the journeys and get those reports. I believe that those reports have been received, and I am hoping that the appropriate committee of the House will send for them.

Mr. RANDOLPH. Yes. They should be made public. I believe that the gentleman from New York is in favor of doing something on this important subject and not allowing it to go on for years and years as it has.

Mr. WADSWORTH. I am.

Mr. RANDOLPH. I thank the gentleman. Mr. Chairman, I place in the RECORD the following endorsement of approval for a single defense department by our Secretary of State:

A UNIFIED NATIONAL DEFENSE

In my capacity as Director of War Mobilization and Reconversion, I have had an unusual opportunity to become familiar with the operations of our War and Navy Departments.

I believe their achievements in the design and procurement of weapons of war to be outstanding. The supply of our armies in the field and our Navy afloat has permitted a continuing offensive which has reached a magnitude previously unknown to history.

Nevertheless, there have been and remain many duplications of effort which have resulted in substantial expenditures for war which might have been avoided. Procurement and supply programs under a unified system could have saved not only dollars, but—what is far more important in war—manpower and materials.

The combined combat operations of our Army and Navy have been executed under single leadership with remarkable success. Differences at home have been reconciled. In this way, many duplications have been avoided.

However, we have obtained this degree of unity only because the Joint Chiefs of Staff—Admiral Leahy, General Marshall, Admiral King, and General Arnold—have been willing and able to compromise and reach agreements in the common interest.

I do not believe that any changes should be made now, as such changes and the reorganizations involved might interfere with the prosecution of the war. However, I am con-

vinced that America should not face the future without a fully unified national defense. I urge that the Congress at an early date give consideration to legislation which would establish a single Department of National Defense, in which the Army, Navy, and Air Forces would function under one head, who would be directly responsible to the President, as Commander in Chief.

Mr. HOFFMAN. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. MARTIN].

Mr. MARTIN of Massachusetts. Mr. Chairman, there can be only two reasons for granting to the President the power to reorganize the agencies of Government: Economy and greater efficiency.

The people are alarmed at the growth of bureaucracy; they are disturbed as they see it steadily grow in numbers and in arrogance.

With its growth has come more and more inefficiency and the American people now know that if bureaucracy continues at its present level, there can be no reduction in taxes. They know, too, that the greater the bureaucracy, the greater is the tendency to control all the activities of the people from Washington, and continuance of administrative costs at their present size means continuance of the drift toward concentration of power in the Federal Government.

We must reconvert the Government from war to peace. This reconversion must be viewed against a backdrop of debt, taxes, human welfare, and effort.

Right now, every family in this Nation is saddled with a debt of more than \$8,000. That is the average family share of the national debt. This is no book-keeper's nightmare. It is an obligation—every bit as binding as an obligation to a friend, or a finance company, or a bank. It must be paid up or defaulted in dishonor. It bears interest, which in total amounts to five billions per year, and which to the average family means a payment of \$170 annually.

In 1932, the whole cost of the Federal Government was approximately \$4,000,000,000. Today, the interest on our national debt alone is \$5,000,000,000, or 20 percent more than the cost of the entire Government in 1932.

Yet the President steps forward with demands for at least \$66,000,000,000 in public spending during the next year. Compare these demands with the fact that the top year of all tax receipts yielded less than \$45,000,000,000. This means more deficit financing or taxes even greater than those we have at present.

Either choice will threaten the solvency of the Nation and put in jeopardy the bonds and savings of the thrifty people of America. It is time some consideration was given to the thrifty, hard-working middle class which is the backbone of the Nation's strength and greatness.

Protect these savings by making a start toward getting governmental administrative expenses down to a sane basis.

We know that a great part of our immense debt went for war expenditures. Nevertheless, of the 263 billions which the people now owe, approximately 49 billions or more had already been squandered before the war began in a reckless political spree.

Regardless of the reasons, however, we still have the debt.

How long do you think it will take to pay it off? How much human sweat and toil will it take the average American family to pay off \$8,000? How many days must a farmer and his sons trudge along the dusty corn rows? How many days must the mill hand punch his time?

The prospect stretches ahead for lifetimes and for generations—years and years. In all these years, the earnings of all the people will be sliced by taxes, taking money they could have spent on better homes, better living, and greater advantages for their children.

The taxes will be felt by all the people. There are not enough rich to pay the bill. Even if we took everything away from the people with incomes over \$5,000, not leaving them a cent for a crust of bread, there still would not be enough to pay it off, even if we continued for 10 years.

Every farmer, every mill hand, every stenographer, every grocery clerk—all must work to carry this burden of debt and all must pay it off. If we don't pay it off, then there is only repudiation by outright default or its only other form, inflation through the issuance of greenbacks. In either case, the bonds in the hands of 85,000,000 citizens would become worthless, all the mortgages and insurance policies void, all the corporations insolvent, every job an illusion, and every man a beggar.

So the burden is on everyone.

Now if we are to carry the burden, we should have the right to set the pace. We want assurance that while bent down under the load, nobody makes it any heavier by tossing his burden upon our backs too, when we are not looking. There is not a man in this Congress who does not know full well that the quickest way to break the spirit and enterprise of a people is to load them with debt and drain off their resources in taxation.

Plain, old-fashioned decency and respect for human rights demand that we do everything possible to ease up on the American taxpayer and give him a chance to retain some of his wages. He has work to do and a future to build. Do not ruin the hopes of the Nation and the promise of the world by breaking his traditional ambition and spirit.

The war has imposed upon America some deep obligations. There will be heavy interest charges on debt, and our gratitude to the fighting men and women who made victory possible must be expressed in something more than words. No real American will begrudge a single penny for the care of our disabled and the dependents of those who made the supreme sacrifice. We must provide for pension charges, hospital care, educational and other benefits for our veterans which we willingly assume as a continuing cost of war. These are responsibilities which we should not and must not shirk.

But it is another potent reason for retrenchment in places where we can retrench. We must cut down where we can cut down without injury to efficiency or necessity. We must get rid of every form of waste and extravagance.

One of the ways to reduce expense is to cut down on the Government pay rolls. They are swollen beyond all reason. They were swollen before the war and are now much more so.

Some bureaucrats, in their anxiety to live at public expense and increase their own personal power, have used their ingenuity to devise unnecessary controls and hatch new schemes which require ever more employees and only result in harassment of the citizen.

The time for all that is gone. We cannot afford the luxury of padded pay rolls any longer. We cannot make beautiful speeches about economy and then turn around and vote for measures costing untold billions and authorize pay rolls that are forever mounting. This is a New Deal practice which the people are beginning to see through.

Let me give you an illustration of the padded pay rolls and the way bureaucracy has expanded under the New Deal. The Office of Indian Affairs has grown to 7,619 persons, or 1 bureaucrat for every 43 Indians. Next year the department wants \$32,000,000 and 306 new jobs. The Indians have been here long enough; let us set an example for other nations. Emancipate the Indian and let him be a freeman. Surely an Indian who is required by his Government to fight, sacrifice, and perhaps die for his country should be capable of taking care of his finances. Free the Indian from the burden of carrying these hordes of white bureaucrats.

Comptroller General Lindsay Warren reports public housing is financed by 15 different bureaus; a dozen handle Government lands; eight deal with labor relations and countless numbers supervise transportation. These statistics show the need of a regrouping that will net real economy. They eloquently testify that the amendment I propose is a conservative request.

Facing this country are new prospects and strange choices. The opportunity for Americans to prosper, to advance, to travel, and generally to raise their high standard of living is greater today than it has ever been.

Yet that opportunity can easily vanish in the loose, incompetent or political mishandling of our fiscal policies. We are in critical times. We need plain horse-sense.

Let us reduce the Federal pay rolls now.

Let us, in giving the power to President Truman to regroup and reshuffle agencies, declare it is the policy of Congress that this regrouping and reshuffling shall net at least a 25 percent saving in the costs of administration.

Lower costs of Government, not more political power to any individual or any political party, should be the high purpose back of this power which Congress has been asked to yield to the President.

Mr. HOFFMAN. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. JUDD].

(Mr. JUDD asked and was given permission to revise and extend his remarks.)

Mr. JUDD. Mr. Chairman, the main purposes of this bill to reorganize the executive branch of the Government are

set forth in article 2. In brief they are, first, to reduce expenditures; second, to increase efficiency in the Government; third, to reduce the number of agencies; fourth, to abolish such agencies or functions as may not be necessary for the efficient conduct of the Government; and, fifth, to eliminate overlapping and duplication of effort.

Surely, of those five the most urgent and most important is to abolish agencies and functions. That is one respect in which this bill, it seems to me, is a very great improvement over any of the previous reorganization bills.

As has been said previously today, we will not get much abolition of agencies unless we abolish functions. There was a need for a given agency and its functions at a particular time; now the need no longer exists but the agency still goes on. Or if the agency is abolished, too frequently the functions are merely transferred to some other agency in order to keep people on the pay roll.

I hope we will keep our eye on the ball—the real objective of this bill, which is to abolish functions and thereby abolish agencies. We have specifically said to the President that he “shall” investigate the organization of all agencies of the Government and shall determine what changes are necessary to accomplish the above purposes; and we further declare that the public interest demands the carrying out of the purposes specified in subsection (a), those I have just enumerated.

I do not think there is any question but what everybody, in Congress and throughout the country, wants to abolish and consolidate and economize and eliminate duplication and overlapping. We want to cut our Government down to comprehensible and manageable size so it will function more, not less, efficiently. Surely there will be no disagreement in the Congress on the purposes of the bill. The question is how best to achieve them and under what proper safeguards. It is one thing to direct the President to accomplish certain objectives according to the specific guideposts or criteria which we set up in the bill; but it is another thing to allow his plan to become law without our having the chance to decide whether it follows the guideposts. It is an inescapable part of our legislative responsibility to make sure before a plan goes into effect that it actually fulfills the purposes and meets the criteria we have laid down.

It is proper and wise for us to delegate to the President powers to prepare the plan, but it is not proper for us to allow the plan to go into effect until the same two Houses which delegated that power have passed upon whether or not it has been wisely used. We want him to use it vigorously, but a proper caution and a decent sense of our own responsibility requires that we have the final decision as to whether the President has acted in accord with the objectives we have laid down.

It has been said repeatedly that if we require approval by both Houses of Congress before a reorganization plan goes into effect, we will never get reorganization. That is the bugaboo which is used

against the amendment of which the gentleman from Michigan [Mr. HOFFMAN] has spoken. It would provide that a reorganization plan goes into effect only if within a 60-day period after transmittal to the Congress there has been passed by both Houses a concurrent resolution stating in substance that the Congress favors the reorganization plan. Let us look at the various possibilities to see whether that procedure would inevitably block reorganization or whether that claim is inaccurate. Suppose the President's plan comes down and it is one for which there is overwhelming approval. Under the proposed amendment there would be no difficulty in getting sufficient votes in both Houses to approve it. The concurrent resolution approving it would pass overwhelmingly. On the other hand, suppose the plan evokes very marked disapproval both here and throughout the country. Under the bill as it is and without the amendment, it would be easy to get enough votes in both Houses to reject the plan. Therefore the question is what will happen if a plan comes down about which there is a marked difference of opinion. Perhaps 55 percent of the Members of the House approve it and 55 percent in the Senate disapprove it, or vice versa.

In that case the plan will certainly come to a vote because under the cloture provisions in title II, after it is referred to a committee and 10 days elapse without action by the committee, any Member can move to discharge the committee and bring the plan out for immediate consideration with the result that there is no possible way whereby a vote on the matter can be blocked, whether by a legislative committee or the Rules Committee in this body or by a filibuster in the other body. Under the bill as written every member in at least one House is going to have to vote aye or no if there is a difference of opinion as to the plan's merits. On the other hand if the suggested amendment is adopted every Member in both Houses will have the chance to vote aye or no, and have his vote count. It is said to us that if we make Members go on record that they approve it, we never will get a plan adopted; but the fact is that under the bill as it is written we are going to have to go on record one way or the other. Why should it be harder to go on record for a plan than to go on record against it. The only difference will be that with the amendment the Members have to go on record in both Houses and in the other case they have to go on record in only one House. Under the present bill if the President and one House approve they do not even need to take up the resolution to the other House, except for formality purposes, and it would not make any difference if the second House did take it up.

The real question, then, is whether we want to enact a bill which permits a reorganization plan to go into effect if only one House approves, no matter how bitterly opposed to it the other House may be. Personally I cannot consent to such a blanket grant of power. Why should we depart from the long-standing

and tested procedures under which the House of Representatives and the Senate have operated for these 150 and more years? People are crying out all over the country against centralization of power. I do not object to centralization of power in such an instance as authorizing preparation of a reorganization plan, if we have a chance to pass upon how the authority has been used, that is, if it is under our final control. I do not see how the House of Representatives can vote such a blanket grant of power without reserving to itself the right to decide whether that power has been wisely used or not. That is the gist of the argument. How can we vote to delegate power to prepare a plan and then abdicate and allow the plan to go into effect with the approval of only the President and one House of Congress.

So when the amendment comes up tomorrow I hope the Members of the House will consider it very carefully. Congress and the country want reorganization. We are directing the President to prepare a plan because he is in a better position to study the whole situation. All we ask is a chance for both Houses to decide whether the plan fills the conditions that we have laid down before it finally goes into effect.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I shall be pleased to.

Mr. HOFFMAN. Can the gentleman conceive of the Congress, both Houses, refusing to accept a plan of reorganization which promises real economy?

Mr. JUDD. No; I certainly cannot.

Mr. HOFFMAN. I recall that under the previous bill the action of the President became law with the consent of only one House.

Mr. JUDD. Yes; a reorganization plan that was rejected overwhelmingly by this House. Then it went to the other body, where it was approved by a narrow margin and thus went into effect; and it was that very plan that took the CAA and put it under the Department of Commerce, against which action Senator Truman was protesting so strenuously when the plan was under debate in the other body.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield further?

Mr. JUDD. Certainly.

Mr. HOFFMAN. If the President should send down a plan placing the RFC under the Secretary of Commerce the House could not prevent its going into effect as the bill now stands.

Mr. JUDD. No; nor could the Senate either, if the House were to approve. If the President and one House approve, that is all that is necessary. Every year there are a dozen bills that pass one body but are not passed by the other body or even taken up. Do they become laws? No; of course not. Why should we depart from that proper procedure?

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield.

Mr. JOHNSON of California. Under the gentleman's proposal would the Congress have the right to modify the plan?

Mr. JUDD. No; in either case it has to reject the plan or accept it in toto. But under our amendment it would have

to be accepted by both Houses. Acceptance by one House would not be enough to put it into effect.

Mr. JOHNSON of California. After the President has spent 2 years preparing a plan, then we would have to take it in toto?

Mr. JUDD. That is right; or reject it in toto and let him submit another. The reason for that, I think, is obvious. If we got into a debate here on each one of the provisions of a plan, it would be like writing a tariff bill on the floor of the House. We could not do it here and ever get the job accomplished.

Mr. JOHNSON of California. I agree with the gentleman, we should not chop it all to pieces. There is merit to the proposal.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. HOFFMAN. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. SMITH].

(Mr. SMITH of Ohio asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Ohio. Mr. Chairman, in 1939 the Congress at the behest of the President passed an act granting him authority to reorganize and consolidate the several governmental bureaus, boards, and so forth, in the executive branch of the Government. That measure was in principle the same as the one now pending. The proponents of the 1939 reorganization bill held out glowing promises of reductions in personnel and consequent savings in costs that would be brought about by its passage, but no such reductions or savings were made. On the contrary, the number of Federal employees increased enormously and the costs, of course, accordingly.

Now comes this second reorganization proposal in precisely the same garb as that of 1939. The other measure failed but this one will succeed. It will, so we are being assured, effect what the other failed to accomplish. One must be indeed something of a superoptimist to believe the proposal before us will accomplish one iota more than has the other. With the love of power and proneness to abuse it now existent throughout the entire executive department of the Government, it is in my judgment an illusion to believe that anything else but a further extension of this power would eventuate should this measure pass. In taking this position I am not questioning anyone's motives. I am merely trying to be realistic. Piddling savings sufficient to placate the public might come out of it but, as I see the matter, the end result would be further entrenchment in power of the whole Federal bureaucracy.

The fact is that this measure sanctions the very evils which its proponents claim it would abolish. The real disease that afflicts the Federal Government is not necessarily excessive personnel in its employ but rather the many abnormal functions undertaken by it. Excessive personnel is an integral part of any social function undertaken by the Government.

Many Members protest largely that the agencies of the Government must be reorganized and consolidated—that is, some of them must be so treated. They tell us that Congress will not do this and

thereby imply that it is helpless in the matter. The President alone, we are told, can and will successfully undertake this task. He alone possesses the resourcefulness necessary to reshape the bureaucracy so as to bring about a substantial reduction in cost. This is a fallacy of the first water. How anyone after reading the President's 18,000-word message to Congress can hold this view is difficult for me to understand. The most prominent feature of that message is the plea made in it for extending the program of deficit financing. In that message, among other things, he urged the adoption of the euphemistically designated full-employment bill, bureaucratized medicine, and the forcing of fifteen to twenty million more people into the so-called social security program. To expect anything in the way of reduced governmental expenses through the passage of these measures after that message is in my opinion the most illusive sort of wishful thinking.

But even leaving out of consideration the President's message, the idea that he could be expected to effectuate a substantial reduction in Government costs through the reorganization of the several departments is inherently fallacious. No bureaucracy has ever been known to destroy itself. If my perspective of the situation is correct, the bureaucracy is the dominating power in the Government, not the President. It can be depended upon that the bureaucracy will use this power to maintain its position.

This Congress should not be wasting time on a measure of this sort. The problem before us is not one of reorganizing agencies and departments but abolishing them. When the credit of the Government and the value of the dollar are at stake, as is now the case, it is impossible for us to be too drastic in abolishing the whole mushroom bureaucracy. It is the duty and responsibility of this Congress to protect the credit of the Nation which we can do only by exercising courage and forthrightness.

I think we owe a special obligation to our returning soldiers. Think of it—as the 12,000,000 of them return to their homes they find themselves saddled with a debt of \$120,000,000,000. That is no small burden for them to assume after having carried the awful load incident to the prosecution of the war.

I could not under any circumstance vote for this measure unless section 6 (a) is stricken out. Here it is provided that the President may set up any sort of organization plan he pleases and that unless Congress by concurrent resolution disapproves such plan it becomes law. This is an anomalous way of legislating. Possession is nine-tenths of the law and once the President were given this power it is unlikely the Congress would veto any reorganization program he might set up.

The committee should by all means adopt the amendment, which I understand the gentleman from Michigan [Mr. HOFFMAN] intends to offer, which provides that the Congress must specifically approve any reorganization plan the President might propose.

Mr. HOFFMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. VURSELL].

(Mr. VURSELL asked and was given permission to revise and extend his remarks.)

Mr. VURSELL. Mr. Chairman, I had not intended to speak on this bill at this time, but I would like to make a few remarks based on observations I have made since I have been here in Congress. We would all like to see efficiency and economy practiced and increased in government here in Washington. A condition must be brought about where efficiency and economy will be practiced or this country will be destroyed, and in my judgment it is on the threshold of financial destruction at this very moment. We would all gladly vote great power to the President if we thought that he would use it wisely. He probably will, but like us Members of Congress, he is not infallible.

The people of this country have been chastising the Congress, and rightly so, for abrogating its powers to the Chief Executive. The people will wonder if the Congress, in making the greatest abrogation of power it has made in a long time, fails to insist that the plan of reorganization by the President must have the approval of a majority of both Houses of the Congress. I shall not vote for the bill if the amendment providing for that is defeated. It is putting the Members of Congress in a false light and in an unfair position when you place them in a position where those who believe in real economy and want to see real economy effected will have to vote against reorganization, and particularly when you force a lot of us to vote against it because we want to maintain the prerogatives and the constitutional powers of the Congress. We want to be helpful and cooperative with the Chief Executive. Frankly, I have not seen any actions by the President toward economy that would lead me to believe that we should give him such blanket authority. Let us reserve our congressional right to reject his plan if we should so decide. If he will bring in a real reorganization plan for economy that will help to deflate bureaucracy he need have no fear but that it will be approved overwhelmingly. We want to retain our constitutional right to vote down and reject a bad plan if he submits one.

Some of us wanted to set up an efficiency committee and give it the power of law. Such a bill was introduced by the gentleman from Kansas [Mr. REES]. In answer to the statement that Congress cannot deflate bureaucracy, I undertake to say that they might not be able to agree on the consolidation of certain bureaus, but they certainly could agree on an economy and efficiency committee and give it the power of law that would really go in and do its job and deflate bureaucracy, but I understand that very worthy bill has not had serious consideration by the proper committee.

President Truman has indicated that he wants to keep the USES offices under Federal control until at least 1947, I believe. The War Manpower Commission never wants to turn them back to the

States. The States unanimously have asked, through their governors, that those services loaned to the States for the duration be returned to them. Congress very recently overruled the President by passing a bill to do so. I doubt if you give him all the power of Congress if much economy will be accomplished. If his assistants who remake the Federal set-up know it must have the approval of both Houses, they may move with more care and caution in setting up the reorganization program. It is folly and reckless to pass a bill which provides that the President's reorganization program can be adopted by a mere majority of the votes of only one body. Why have two bodies of the Congress if that is your wish? If the Congress keeps giving up its power to the Executive we will not need either body very long. I am opposed to such a course.

Mr. HOFFMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. REES].

(Mr. REES of Kansas asked and was given permission to revise and extend his remarks.)

Mr. REES of Kansas. Mr. Chairman, undoubtedly there ought to be a lot of reorganization in the Federal agencies of our Government. I do not think there is any question about that. But what we need more is reduction of agencies and personnel. We need to eliminate a lot of them. I am not objecting to the President's having the authority to reorganize, but I do not want any legislation to be an excuse to make the attempt to simply put them under one head, as it were, and let it go at that. The big question is that of getting rid of a number of bureaus, agencies, and commissions that have come into the Federal Government during the past few years, a good many under the excuse of being needed because of emergencies, and a whole lot more than have come into being as war bureaus and agencies. My suggestion would be instead of reorganizing these war agencies we proceed to dispose of them and get rid of them because we were given to understand that they were here as war agencies only and were to go out when the war was over. But I have noticed recently that some of these agencies have now decided to change their names and propose new activities and call themselves peace agencies. So before you know it we are going to have a lot of former war agencies carried into the postwar period as either postwar or peacetime agencies. I think that thing ought to be watched. Furthermore, some of the war agencies have already been covered into old-line agencies, including some that have already gone into the State Department.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I am glad to yield to my distinguished friend the gentleman from Mississippi.

Mr. WHITTINGTON. Anticipating that very thing, in all fairness, does not this bill provide that the President cannot establish any plan or any function except functions now authorized by law; and any functions that he has undertaken to establish under the War Powers

Act could not be established under this act which deals with the peacetime agencies?

Mr. REES of Kansas. I am just calling the attention of the gentleman from Mississippi to the fact that some of these agencies have already come before committees saying, "We ought to stay. We ought to continue our activities because although we were wartime agencies and know we were supposed to have gone out as such, nevertheless it is our feeling that our services are of such great importance that they ought to be continued."

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. JUDD. Mr. Chairman, I yield 5 additional minutes to the gentleman from Kansas.

Mr. WHITTINGTON. I agree with the gentleman. Bureaucracy never dies and to forestall the activities of these bureaucrats, this bill provides positively that the President cannot under this reorganization establish any of these functions that he may have undertaken to establish under the War Powers Act. We have to do it by act of Congress.

Mr. REES of Kansas. Not only that, but I hope and trust that this bill will not be used, for the purpose of covering in a lot of unnecessary activities with other agencies so that their services may be continued under an old line agency. I trust that in this reorganization that thing will be carefully scrutinized.

Mr. WHITTINGTON. I say that the committee devoted much time to that, and we do not know of any better language than to prohibit any additional functions or the embracing of any additional functions, such as the gentleman has been talking about, which Congress has not authorized.

Mr. REES of Kansas. I appreciate the statement of the gentleman, but that is one of the things that concerns me a great deal, because, as the gentleman from Mississippi has so well stated, bureaucracy just does not die. It just continues to grow by feeding on itself, as it were. There is a very big problem involved here. We have discussed it today, and we have done so before. But we do not take it too seriously. "We do so little about it. It is a question which we are going to have to determine very soon, as to whether or not we are going to have government by bureaucracy or government by law. I say to you the situation is so much graver than the people of this country realize. That is the thing that has concerned me through the years. That is one of the reasons why I introduced a bill which provided for a bureau or agency of efficiency whereby Congress itself would keep its hand in the situation with respect to the growth of agencies, bureaus, and commissions, and try, if possible, to bring about a little more efficiency in the agencies of our Government and try to see to it that all unnecessary agencies are abolished."

Mr. WHITTINGTON. We favor the economy to which the gentleman refers, and we have included the word "economy" in this bill. But we want to be realistic. It is often said that Congress

should reduce expenses 20 percent or 25 percent. We already have had reductions. But let me remind the gentleman that with a peacetime Budget of around \$9,000,000,000 there is only about 10 percent involved in the executive department of the Government.

I favor the retention of that, but 90 percent of our normal expenditures goes to the Army and Navy ordinarily, to pensions, to retirement benefits, fixed charged by law. So that you and I, as Members of Congress, in dealing with the executive departments, anxious to promote economy, are really limited in the amounts we can promote because of the great public debt, the interest on it, pensions, and similar fixed charges.

Mr. REES of Kansas. But I will say to my distinguished friend who has given this problem serious consideration as he does every problem that the thing not only involves expenditure of funds but goes still deeper. So many of these bureaus, commissions, and agencies have taken so much power to themselves that it is not only the cost in dollars and cents, but in addition to that, those agencies have taken on powers which the Congress never intended or imagined. That is what disturbs me. It also disturbs me that we have some three million employees on the pay roll at an annual cost of approximately \$7,000,000,000 and we will have a most difficult time in reducing that number to anywhere near what the gentleman from Mississippi and I know it should be. The gentleman well knows that we ought to get it down to the figure we had before even the peak in 1940, when it was less than one million.

Mr. WHITTINGTON. And for that reason this bill provides for the abolishment of bureaus, just as the gentleman advocates.

Mr. REES of Kansas. I trust the bill will do as much as the committee hopes it will, and I hope at the same time Congress will take back the powers that have been assumed and which was not intended by the Members of this Congress, and which the thinking people do not like a bit.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. REES] has expired.

Mr. HOFFMAN. Mr. Chairman, I yield 5 minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

(Mrs. ROGERS of Massachusetts asked and was given permission to revise and extend her remarks.)

Mrs. ROGERS of Massachusetts. Mr. Chairman, I assume that under this bill the Smaller War Plants Corporation would not be one of the bureaus that would be reorganized, because it is a war agency. I feel they have done a very fine piece of work in securing business for smaller plants, thereby securing employment for the citizens of the country. I am correct, am I not, Mr. Chairman, in the belief that the Smaller War Plants Corporation would not be in any way included?

Mr. MANASCO. The Smaller War Plants Corporation was created under authority of the First War Powers Act. Of course, unless the Congress, by affirmative action, passes a law continuing

the Smaller War Plants Corporation, it would expire within 6 months after the expiration of the date of the First War Powers Act, 1941.

Mrs. ROGERS of Massachusetts. That is my understanding. I would like to have it continued, because I think it is doing a very fine piece of work for the veterans.

As the Members know, the Smaller War Plants Corporation is handling the securing of trucks for the veterans. I am very much distressed to find it is almost impossible for a veteran to secure a truck, because, while the Smaller War Plants Corporation gives the veteran authority to secure it, he goes to a disposal center and finds that the Office of Surplus Property in the Department of Commerce has not cleared the trucks to them, and the veterans find there are no trucks there.

Yesterday 2,000 of our veterans stood around in the rain at Fort Devens waiting for a promised sale of used trucks. Finally the sale was postponed until today because the Commerce Department had not forwarded the list. Some reports state the trucks offered are not as good as the ones sold previously to the dealers. The inefficient handling of the disposal of used cars and trucks is causing great bitterness among veterans who were promised by Congress to receive the first chance in the purchase of surplus materials.

It is certainly a very bad system at the present time, which, as an official of the Government told me, requires 45 days to secure a truck. The red tape ought to be eliminated. In my opinion the procedure should be simplified to allow the Smaller War Plants Corporation to certify a veteran, so that he can buy a truck more quickly. Under present conditions, the veterans are not receiving the surplus trucks for which the Members of Congress by law have given them priorities. The veterans certainly are entitled to priorities. I have received the following telegram:

BOSTON, MASS., October 3, 1945.

Hon. EDITH NOURSE ROGERS:

Department of Massachusetts Veterans of Foreign Wars strongly protest method used in sale of surplus trucks to discharged veterans at Fort Devens, Mass. Sale announced October 2 returned veterans traveled long distance waited all day. No sale took place. Believe this direct injustice to returned servicemen and demand immediate remedial action.

JAMES F. REYNOLDS,
Senior Vice Commander.

The CHAIRMAN. The time of the gentlewoman from Massachusetts has expired.

Mr. MANASCO. Mr. Chairman, has the gentleman used all his time?

Mr. HOFFMAN. We have no further requests for time, Mr. Chairman.

Mr. MANASCO. Mr. Chairman, I yield such time as he may desire to the gentleman from Texas [Mr. GOSSETT].

(Mr. GOSSETT asked and was given permission to revise and extend his remarks.)

Mr. GOSSETT. Mr. Chairman, a great many Members who have addressed the committee this afternoon have paid their respects to this menace of bureaucracy.

In this connection I am reminded of a statement that Mark Twain once made that everybody talks about the weather but nobody does anything about it. We are all concerned, gravely concerned, with this thing we call bureaucracy. We have witnessed its growth from year to year until today it reaches menacing proportions.

The one thing at which this bill is aimed is bureaucracy, it is an anti-bureaucracy bill. The bill has been carefully drawn after long and exhaustive study. I believe we are most fortunate in having as primary authors of this bill the distinguished gentleman from Mississippi [Mr. WHITTINGTON] and the distinguished gentleman from Missouri [Mr. COCHRAN], both of whom went through the previous reorganization fight of 1939 in which they were ably assisted at that time by the now Comptroller General of the United States, the Hon. Lindsay Warren, who then was a distinguished Member of this body.

I believe all who have given serious study to this legislation will readily agree that it is the very best reorganization bill that has been presented to this Congress. This bill differs drastically from the 1939 act in that in the 1939 act we specifically provided that the Chief Executive could not abolish functions; we gave him authority to shift agencies and to eliminate agencies but he could not eliminate functions. I submit that no effective reorganization can occur, no substantial reduction can be made unless functions are abolished. I wish to call to the attention of members of the committee and particularly those who have spoken at length about bureaucracy that the President under this bill cannot create a single thing, he can only destroy. The President under this bill cannot increase expenses, he can only decrease expenses.

The President in May of this year sent to this Congress a message in which he asked for power to reduce Government expenses, governmental activities, governmental agencies and bureaus. He has said he would make reductions and effect economy and efficiency if given the power. No harm can come from the passage of this act and much good may result from it. Instead, therefore, of just paying lip service to our concern about bureaucracy let us do something about it.

I have here a few figures on the growth in size and cost of the activities of the Federal Government. These are approximate figures, beginning in 1900, for various years. The figures are as follows:

In 1900 we employed in the Federal Government 250,000 persons. Expenditures annually amounted to \$698,000,000—less than a billion. In 1910 the employees numbered 390,000 and the expenditures amounted to \$1,044,000,000. In 1915 the employees numbered 425,000 and the expenditures amounted to \$1,122,000,000. In 1922 we have 515,000 employees and the expenditures amounted to \$3,909,000,000. In 1930 we had 565,000 employees and the expenditures amounted to \$4,665,000,000. In 1935 the employees numbered 800,000 and the expenditures amounted to \$7,527,-

000,000. In 1939, our last peacetime year, we had 920,000 employees and the expenditures—that means appropriations—amounted to \$10,338,000,000. This growth of bureaucracy I believe has not resulted from any deep-laid conspiracy, it is a natural tendency. Governments tend to get bigger and bigger, and bureaucracy blossoms by geometric proportions. We now know that we have, largely due to the war, and also to this natural growth, approximately 3,000,000 civilian employees on the Government pay roll. No one estimates the amount of expenditures incident to normal peacetime activities. I submit to you that no one could be more concerned with this growing cost, size, and activity of the Federal Government than am I, and I take it all of you are likewise concerned. I submit to you that if and when government becomes so large that a substantial number of the citizenship are employees of the Government, then we are forced into some form of totalitarian regime and we all become slaves rather than freemen, government becomes the master rather than the servant of the people.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. GOSSETT. I yield to the gentleman from Michigan.

Mr. HOFFMAN. I think the gentleman is correct about our being concerned about it, but day by day as we meet here, we appropriate more and more money. All the time we are adding to the public debt and, as the gentleman said in the beginning, quoting from Mark Twain, we do not do anything about it.

Mr. GOSSETT. That is what I am talking about. We have a chance now to do something about it in this bill.

Mr. HOFFMAN. We talk about it, but we do not do anything about it.

Mr. GOSSETT. We are now trying to do something about it, and I am getting around to some of the amendments which I fear some of my colleagues on the other side of the aisle will offer to this bill, amendments which will defeat the purposes of this legislation.

Mr. HOFFMAN. I do not think you will get any harm from this side of the House. They have been burned often enough with this delegation of arbitrary power and blank checks for billions of dollars.

Mr. GOSSETT. I call the gentleman's attention to the fact that this bill, contrary to what many have said, does not delegate authority to create anything or to increase anything. It is quite the reverse. This not only delegates authority but it is a mandatory direction to the Chief Executive that he shall under this delegation of authority proceed immediately to use the ax. It is authority to destroy, not to create.

Mr. HOFFMAN. The gentleman is right about that. This is an order to the President to get busy and send down to us a plan; but it is also a delegation of authority, not to the President but to the President and to one branch of Congress. That is what I am afraid of. Two years ago we passed a very, very necessary piece of legislation and sent

it over to the other side. It is buried over there to this day.

Mr. GOSSETT. I think it is the most specious, illogical argument which the gentleman and one of his colleagues have made for an amendment which is going to be offered to require an affirmative vote of both branches of this Congress before any reorganization plan can become effective, such amendment in effect will nullify and prohibit any effective reorganization.

Mr. HOFFMAN. Then does the gentleman believe that the Congress should delegate to the President and to one branch of the Congress the authority to put laws on the books?

Mr. GOSSETT. This does not do that.

Mr. HOFFMAN. Oh, yes. This delegates to the President the authority, it directs him, as the gentleman said, to send down a plan.

Mr. GOSSETT. Is the gentleman alarmed about any authority on the part of the President and one branch of the Congress to eliminate bureaus?

Mr. HOFFMAN. To consolidate, not eliminate; to consolidate and transfer I am.

Mr. GOSSETT. What harm is going to come from a consolidation and transfer, which might at the same time get rid of some agencies and activities.

Mr. HOFFMAN. Let us take the RFC. Suppose the Senate and the President gives that to Henry Wallace. Is the gentleman not afraid of that?

Mr. GOSSETT. I would not want that to happen and I am not afraid of that happening. I will take a chance on mistakes in reducing bureaus. If it is left up to the Congress nothing will be done.

Mr. CHURCH. Mr. Chairman, will the gentleman yield.

Mr. GOSSETT. I yield to the gentleman from Illinois.

Mr. CHURCH. Will the gentleman try to answer the question I asked the gentleman from Mississippi?

Mr. GOSSETT. The gentleman always puts in a "but."

Mr. CHURCH. Assume that the House by a practically unanimous vote disapproves of a plan sent up by the President. Does the gentleman want to delegate to the other body the right, and is he willing to grant the other body the power to approve the plan, if it could be convinced by the President that it should?

Mr. GOSSETT. I am not afraid of the other body.

Mr. CHURCH. Even though this body by unanimous vote or practically unanimous vote disapproved it?

Mr. GOSSETT. Suppose that situation would arise, then some bureau or some agency would die and something, at least, would be done. I say that some wrong action in the destruction of bureaus is better than no action in the reduction of bureaus.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. GOSSETT. I yield to the gentleman from Minnesota.

Mr. JUDD. Of course, a reorganization plan which the President sends down would not necessarily abolish any agency or function. We direct him to abolish them if he finds it necessary to achieve

certain stipulated ends, and I think it would be necessary to abolish a good many in order to achieve those ends, but there is no assurance that the plan that would come down would do other than transfer or consolidate.

Mr. GOSSETT. That is right.

Mr. JUDD. Then you are not necessarily achieving what you desire, inasmuch as you are not sure that the organization plan will abolish agencies or functions.

Mr. GOSSETT. Oh, the gentleman knows that no bureaus are going to be abolished and no economy is going to be effected unless this act is passed and unless somebody is given authority to so reduce and eliminate agencies and activities.

Mr. JUDD. But I do not see how that is changed by requiring the approval of both Houses of Congress.

Mr. GOSSETT. The gentleman knows that the most effective lobbyists in this Nation are sincere and able gentlemen who are the heads of departments and agencies of the Government. The Comptroller General in his testimony before our committee said that if we set up a bureau for the edification of the three blind mice or for the restoration of humpty-dumpty, within 1 year the gentleman charged with that responsibility would come before the Congress with glowing reports of the fine work they had done and perhaps be able to sell some committee on the idea of giving them more money and more authority.

Mr. JUDD. And under this bill as it is the same men would be here lobbying against any plan to change their agencies. If there is anything controversial in the plan there would have to be a vote in which you and I would have to go on record for or against, that is true whether just one House or both Houses have to approve or disapprove.

Mr. GOSSETT. The gentleman answers his own argument. They will lobby against the destruction of their own bureaus, and we will not get a reorganization plan, and therefore nothing will be done if an affirmative vote is required of both branches of the Congress.

Mr. JUDD. Does the gentleman think it will be so much harder to get it approved by both Houses than in one?

Mr. GOSSETT. Oh, yes.

Mr. JUDD. Let me read one sentence from the debate on this subject in 1939 by the chairman of the Judiciary Committee the gentleman from Texas [Mr. SUMNERS]. He said:

For a reorganization to be forced through which is against the judgment of one of the two Houses gives rise to an element of friction and discord between the Executive and that House that is not worth the price paid for it.

Does the gentleman concur in that judgment?

Mr. GOSSETT. I do not agree with that. I would rather take the chance of a little friction and discord than to sit idly by and allow all those bureaus to continue to grow and grow while we do nothing about it.

Mr. JUDD. Does the gentleman think it would be wise from a policy standpoint to have a reorganization forced through

to which one House was strongly opposed?

Mr. GOSSETT. This is not forcing any reorganization plan through. This simply provides that the reorganization plan shall become effective unless disapproved by the Congress. I submit that that is the only effective and practical and workable way in which we are going to get any reorganization. I will say that the gentleman's amendment sets up an unworkable obstacle and makes it even more improbable that reorganization will occur by this handicap which he places on it.

Mr. JUDD. Would the gentleman object to an amendment providing that the plan will go into effect unless within 60 days it has been disapproved by one House of the Congress?

Mr. GOSSETT. That would be much better than the amendment suggested, but I still would not agree to that, because that sets up the handicap of permitting one House to veto a reorganization plan. But such an arrangement would be for better than your present proposal.

Mr. JUDD. If you are going to have a roll-call vote, what handicap is there in requiring a positive as against a negative vote?

Mr. GOSSETT. Under the gentleman's amendment the reorganization plan dies even if no roll call is had, since it requires an affirmative vote of both Houses.

Mr. JUDD. If the plan is worth anything at all, there will be many people who are in favor of it and they can force a vote to keep it from dying through inaction. Under the cloture provision they can bring it to a vote, and you are going to have to go on record, and so will I.

Mr. GOSSETT. The most generous thing that can be said about the gentleman's amendment, considering it in the best light, is that it sets up an additional handicap to a reorganization plan and makes more hazardous and difficult a reduction in the number of bureaus and a reduction in the expenses of the Government.

Mr. JUDD. I grant that it is an additional handicap, although I could use the word "safeguard" rather than "handicap." It makes it more difficult to put the plan into effect. It has to go through both Houses. But I am convinced that any plan that is disapproved by either House ought not to go into effect.

Mr. GOSSETT. The gentleman's amendment is a safeguard for the continued existence of the bureaus which we want to destroy. That is the safeguard in the gentleman's plan.

Mr. JUDD. No; it is a safeguard for legislative procedures which have been tested and proven sound, that a proposal has to have the approval of both Houses of Congress before it goes into effect.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield? I realize we are just talking here waiting for this message. Will the gentleman yield once more?

Mr. GOSSETT. I will be glad to yield to the gentleman. I listen to him often, and am sometimes enlightened by his remarks.

Mr. HOFFMAN. I thank the gentleman. When the gentleman and I became Members of Congress we pledged our support to the Constitution. I know that is outmoded and we ought to throw it in the ash can, some say, but having done that, and the Constitution providing that you can get legislation only by and through the action of both Houses, does the gentleman believe now we ought to just scrap that provision?

Mr. GOSSETT. I do not think we are scrapping that provision.

Mr. HOFFMAN. What are we doing?

Mr. GOSSETT. We are trying to provide for economy and efficiency in government. We must do it by action not by inaction.

The CHAIRMAN. The time of the gentleman from Texas has expired. All time has expired.

The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc.,

TITLE I

SHORT TITLE

SECTION 1. This act may be cited as the "Reorganization Act of 1945."

Mr. MANASCO. Mr. Chairman, I move that the committee do now rise. The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BONNER, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H. R. 4129) to provide for reorganizing agencies of the Government, and for other purposes, pursuant to House Resolution 360, had come to no resolution thereon.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries.

ATOMIC ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read, and referred to the Committee on Military Affairs and ordered to be printed:

To the Congress of the United States:

Almost 2 months have passed since the atomic bomb was used against Japan. That bomb did not win the war, but it certainly shortened the war. We know that it saved the lives of untold thousands of American and Allied soldiers who would otherwise have been killed in battle.

The discovery of the means of releasing atomic energy began a new era in the history of civilization. The scientific and industrial knowledge on which this discovery rests does not relate merely to another weapon. It may some day prove to be more revolutionary in the development of human society than the invention of the wheel, the use of metals, or the steam or internal combustion engine.

Never in history has society been confronted with a power so full of potential

danger and at the same time so full of promise for the future of man and for the peace of the world. I think I express the faith of the American people when I say that we can use the knowledge we have won, not for the devastation of war, but for the future welfare of humanity.

To accomplish that objective we must proceed along two fronts—the domestic and the international.

The first and most urgent step is the determination of our domestic policy for the control, use, and development of atomic energy within the United States.

We cannot postpone decisions in this field. The enormous investment which we made to produce the bomb has given us the two vast industrial plants in Washington and Tennessee, and the many associated works throughout the country. It has brought together a vast organization of scientists, executives, industrial engineers, and skilled workers—a national asset of inestimable value.

The powers which the Congress wisely gave to the Government to wage war were adequate to permit the creation and development of this enterprise as a war project. Now that our enemies have surrendered, we should take immediate action to provide for the future use of this huge investment in brains and plant. I am informed that many of the people on whom depend the continued successful operation of the plants and the further development of atomic knowledge, are getting ready to return to their normal pursuits. In many cases these people are considering leaving the project largely because of uncertainty concerning future national policy in this field. Prompt action to establish national policy will go a long way toward keeping a strong organization intact.

It is equally necessary to direct future research and to establish control of the basic raw materials essential to the development of this power whether it is to be used for purposes of peace or war. Atomic force in ignorant or evil hands could inflict untold disaster upon the Nation and the world. Society cannot hope even to protect itself—much less to realize the benefits of the discovery—unless prompt action is taken to guard against the hazards of misuse.

I therefore urge, as a first measure in a program of utilizing our knowledge for the benefit of society, that the Congress enact legislation to fix a policy with respect to our existing plants, and to control all sources of atomic energy and all activities connected with its development and use in the United States.

The legislation should give jurisdiction for these purposes to an Atomic Energy Commission, with members appointed by the President with the advice and consent of the Senate.

The Congress should lay down the basic principles for all the activities of the Commission, the objectives of which should be the promotion of the national welfare, securing the national defense, safeguarding world peace, and the acquisition of further knowledge concerning atomic energy.

The people of the United States know that the overwhelming power we have developed in this war is due in large measure to American science and Amer-

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued October 5, 1945, for actions of Thursday, October 4, 1945)

(For staff of the Department only)

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HIGHLIGHTS: Senate passed bill to repeal land-grant rates on military and naval traffic, after agreeing to the McFarland farm-homes-for-veterans amendment. House passed reorganization bill. Rep. Davis introduced bill to provide for use of surplus materials in soil-conservation and forest programs.

SENATE

1. TRANSPORTATION; LAND-GRANT FREIGHT RATES. Passed with amendments H.R. 694, to amend the Transportation Act of 1940 to remove the statutory obligation to transport military and naval traffic over land-grant railroads at 50% of their established tariff charges for such transportation (pp. 9540-52).
Agreed to amendments by Sen. Bilbo, Miss., to make Oct. 1, 1946, the effective date of this act (pp. 9545-50); and by Sen. McFarland to provide that the railroads would report the difference between amounts paid at land-grant rates and amounts which would be paid at full rates prior to Oct. 1, 1946. An amount equal to this difference would be set aside in the Treasury as the "Veterans' Farm Fund" which would be "available for appropriation." Of appropriations from this fund, 75% would go to Interior and 25% to Agriculture. The Interior money would be used for construction and settlement of irrigation projects in the reclamation States, including the purchase of private lands and their disposition to veterans. The Agriculture money would be used to assist veterans to establish themselves upon and improve family-type farms on lands within reclamation projects and on lands in States where railroad land grants are located but which are not reclamation States. In general, Agriculture's fund would be administered in accordance with Title I of the Farm Tenant Act. The amendment also provides that veterans established on reclamation projects under the act must be acceptable to Interior. (pp. 9544, 9550-2.)
Sen. Wheeler, Mont., stated that marketers living on land-grant railroads have a price advantage over those who don't (p. 9550). Sen. Bilbo, Miss., stated that some of these grant lands contain "some of the finest bodies of timber in the Nation," gave figures of these lands in railroad hands (p. 9541), and stated that the ICC "has fixed rates without any consideration whatsoever of land-grant contracts" between land-grant and non-land-grant railroads (p. 9543).
2. COMMITTEE JURISDICTION. During the discussion on the atomic bomb problem several members discussed the matter of committee jurisdiction and bill referrals (pp. 952-62).

3. SUGAR SUPPLY. Sen. Reed, Kans., inserted a petition from sundry Kans. citizens protesting against the use of sugar in intoxicating beverages (pp. 9529-30).
4. FISHERIES. Received from the President a message on U.S. policy with respect to coastal fisheries and the natural resources of the subsoil and sea bed. To Judiciary Committee. (p. 9529.)

HOUSE

5. GOVERNMENT REORGANIZATION. Passed, 704-56, with amendments H.R. 4129, the reorganization bill (pp. 9571-607).
Agreed, 147-142, to Rep. Martin's (Mass.) stating the policy of Congress to be that a 25% reduction in administrative costs be effected in any reorganization plan (pp. 9571-4).
Rejected Rep. Dirksen's amendment to provide that the first reorganization plan effect a coordination of foreign and domestic policies (pp. 9576-83) (106-129) Rep. Crosser's (Ohio) amendment to exempt Railroad Retirement and Unemployment Insurance Acts and certain sections of the Internal Revenue Code; and (127-161) Rep. Halleck's (Ind.) substitute amendment to exempt also the CSC, FCC, FDIC, Federal Power Commission, Maritime Commission, National Media tion and Railroad Adjustment Boards, Railroad Retirement Board and the Tariff Commission (pp. 9583-90).
6. PUBLIC WORKS. Received from the President supplemental appropriation estimates of \$25,000,000 for the Federal Works Agency (H. Doc. 304). To Appropriations Committee. (p. 9614.)
7. FOREIGN RELIEF. Received from the President appropriation estimates of \$550,000,000 for the United Nations Relief and Rehabilitation Administration (H. Doc. 305). To Appropriations Committee. (p. 9614.)
8. FULL EMPLOYMENT. Received a Newark (N.J.) Board of Commissioners petition favoring the full-employment, social-security, and housing bills (p. 9614).

ITEMS IN APPENDIX

9. FOREIGN RELIEF. Rep. Huber, Ohio, inserted an Akron Beacon Journal editorial favoring foreign relief "even if...rationing" is necessary (p. A4493).
Rep. Wasielewski, Wis., inserted his radio address commending UNRRA and favoring foreign relief (pp. A4501-2).
10. BUTTER. Rep. Hoeven, Iowa, inserted a Creston News Advertiser editorial urging discontinuance of butter rationing (p. A4497).
11. FOREIGN LOANS. Rep. Gerlach, Pa., inserted a Bristol (Pa.) newspaper editorial opposing a loan to England (p. A4498).
12. AMERICAN FOOD COUNCIL. Sen. Hoey, N.C., inserted the "Declaration of Policy and Program" of the American Food Council which states, "a stable and efficient agriculture must be based on soil maintenance and improvement" (pp. A4488-9).
13. FULL EMPLOYMENT. Sen. O'Mahoney, Wyo., inserted his radio address favoring the full-employment bill (p. A4487).
14. SUGAR. Extension of remarks of Rep. Cochran, Mo., criticizing "Dry Propagandists for incorrect data of brewers' use of sugar as compared with the statistics

during the past 45 days. However, I am convinced that much more progress can be made. Studying just the Army's own official statements, and nothing else, it seems obvious that the addition of more separation centers and more personnel at existing separation centers and separation points would enable more men and women to return to their homes, their families, and their civilian pursuits more quickly. There are plenty of Army camps and posts available for this purpose. I can see no reason why civilian personnel cannot be trained and used to do many of the required tasks, particularly the book work.

It would take time, perhaps 30 to 60 days, to organize new centers and points. Their usefulness would not be too long. But the real point is that millions of men and women could get home at least 1 or 2 months sooner, if this were done. Even 1 or 2 months is of inestimable value to these servicemen and women who have served so faithfully—and to their families—not to mention the Nation's program for returning to peacetime pursuits. I urge the Army to take this step at once.

CORRECTION OF THE RECORD

Mr. DONDERO. Mr. Speaker, on page 9492, in the third column at the bottom of the page the words beginning with "People in my district claim," should have been credited to me as my statement and not the gentleman from Michigan [Mr. SHAFER]. I ask unanimous consent that the permanent RECORD be corrected accordingly.

The SPEAKER. Without objection, the permanent RECORD will be corrected accordingly.

There was no objection.

CALL OF THE HOUSE

Mr. BAILEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. MANASCO. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 160]

Andrews, N. Y.	Gibson	O'Hara
Baldwin, Md.	Granger	Patman
Baldwin, N. Y.	Hagen	Powell
Beall	Harless, Ariz.	Rabaut
Bolton	Hart	Reed, N. Y.
Boykin	Hébert	Rivers
Bradley, Mich.	Hendricks	Roe, N. Y.
Campbell	Heslton	Sabath
Case, N. J.	Hinshaw	Sadowski
Celler	Holifield	Sharp
Clark	Holmes, Mass.	Sheridan
Colmer	Hope	Simpson, Ill.
Cooley	Jennings	Somers, N. Y.
Cravens	Kearney	Starkey
Curley	Kerr	Talbot
Daughton, Va.	King	Thomas, N. J.
Dawson	Latham	Towe
Dickstein	Lea	Vinson
Douglas, Ill.	Luce	Wadsworth
Drewry	McGehee	White
Elliott	Mansfield,	Winter
Fenton	Mont.	Wolcott
Fogarty	Morrison	Wolverton, N. J.
Fuller	Mundt	Wood
Gathings	Murray, Tenn.	Zimmerman
Geelan	Norton	

The SPEAKER. On this roll call 343 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CORRECTION OF ROLL CALL

Mr. ANDERSON of California. Mr. Speaker, on roll call 158, a quorum call, I am recorded as absent. I was present and answered to my name. I ask unanimous consent that the RECORD and the JOURNAL be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

REORGANIZING AGENCIES OF GOVERNMENT

Mr. MANASCO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 4129) to provide for reorganizing agencies of the Government, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 4129, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the first section of the bill had been read. The Clerk will read.

The Clerk read as follows:

NEED FOR REORGANIZATIONS

SEC. 2. (a) The President shall investigate the organization of all agencies of the Government and shall determine what changes therein are necessary to accomplish the following purposes:

(1) To reduce expenditures and promote economy, to the fullest extent consistent with the efficient operation of the Government;

(2) to increase the efficiency of the operations of the Government to the fullest extent practicable within the revenues;

(3) to group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;

(4) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and

(5) to eliminate overlapping and duplication of effort.

(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding immediately under the provisions of this act, and can be accomplished more speedily thereby than by the enactment of specific legislation.

Mr. MARTIN of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARTIN of Massachusetts: On page 2, after line 22, insert the following subsection:

"(c) It is the policy and expectation of the Congress that the transfers, consolidations, and abolitions contained in any reorganization plan under this act shall accomplish an over-all reduction of at least 25 percent in the administrative costs of the agency or agencies affected by such plan.

Mr. MARTIN of Massachusetts. Mr. Chairman, this amendment is quite clear

and does not require extended debate. It is so plain and so obviously essential that it deserves the unanimous support of all. This is not a mandatory amendment. It is a declaration of policy. It states the purpose of the Congress in yielding this power to the President. We have had many regrouping, reshufflings, and consolidations in the past, but they have not brought any real reduction in the personnel of this Government. Bureaucracy continues to grow and grow until it has reached a size where the American people are demanding that something be done about it. The people want some of the unnecessary bureaus abolished. So this amendment is offered as a declaration of the policy of the Congress that in any regrouping, any reshuffling, or any consolidation there shall be a saving of at least 25 percent in the administrative costs of the bureaus affected.

The reason I did not make the policy mandatory is that I realize it might be possible that in some particular instance the saving would be below 25 percent, and of course we who are interested in economy would like to see the saving if we could not get a larger saving. I say frankly I would be very greatly disappointed if these regroupings did not bring more than a 25 percent saving. If the job is done properly the saving can run at least 50 percent. But I want to lean on the side of conservatism and stipulate the smaller requirement.

Over 12 years ago Mr. Roosevelt, then a candidate for President of the United States, said he could effect a saving of 25 percent in the administrative costs of Government. He made a campaign based on this very fine issue. At that time the administrative costs of the Government were 100 percent lower than they are today. So I have picked the Roosevelt figure of 12 years ago as a very moderate one which I believe the Congress would do well to establish as its policy of expectation. It is a mark we set for the President to strive for and if he does better we will applaud him.

Mr. Chairman, the time has come when we are obliged through necessity to cut down on our cost of Government. Unless we do, we will find those people who hold Government bonds, deposits in savings banks, and insurance policies, will wake up some day and find that their savings have vanished. The security they believed would tide them through their old age will have disappeared. We cannot continue with unbalanced budgets; the piling up of debt upon debt. The time has come to put our finances in order if we are going to be able to go forward and bring better times for the people of America.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Massachusetts. With pleasure.

Mr. COCHRAN. As I said, what you are doing here is hoping, is not that right?

Mr. MARTIN of Massachusetts. That is all we can do at the moment; that is right.

Mr. COCHRAN. There is nothing mandatory in this amendment?

Mr. MARTIN of Massachusetts. This is a declaration of the policy of the Con-

gress that we want all this reshuffling or regrouping to bring about at least a saving of 25 percent.

Mr. COCHRAN. In subsection (a) we say:

The President shall investigate the organization of all agencies of the Government and shall determine what changes therein are necessary to accomplish the following purposes:

(1) To reduce expenditures and promote economy.

It seems to me that language covers the gentleman's amendment. Now the gentleman offers an amendment which only expresses the hope that whenever agencies are consolidated or activities coordinated there shall be at least a 25-percent reduction in expenditures.

Mr. MARTIN of Massachusetts. Would the gentleman like to have me make it mandatory?

Mr. COCHRAN. No, because I think you would tie the hands of the President if it was made mandatory.

Mr. MARTIN of Massachusetts. I was going to say that I would be willing to accommodate the gentleman, although I have offered the amendment in the form in which I believed fair and would state partially the aspirations of Congress.

Mr. COCHRAN. You would not have a reorganization bill if it is made mandatory.

Mr. MARTIN of Massachusetts. I would be willing to accommodate the gentleman if he thinks it should be mandatory.

Mr. COCHRAN. Again I say no, because you would not have a reorganization bill if it is made mandatory.

Mr. MARTIN of Massachusetts. Why, then, is the gentleman criticizing the amendment on the ground that it does not make the reduction mandatory?

Mr. COCHRAN. I do not criticize on that ground. I hope the reductions will be to the extent of 50 percent.

Mr. MARTIN of Massachusetts. I hope it will be 75 percent.

Mr. COCHRAN. If the rules of the game permitted me to raise the hopes of the gentleman, I would do so.

Mr. MARTIN of Massachusetts. Mr. Chairman, my purpose in offering the amendment is to serve notice right now what is the purpose and intent of Congress. I do not see why there should be any opposition to the amendment on either side of the House. The purpose of the amendment is to serve notice that we must curb this terrific bureaucracy and reduce the heavy costs which the people are obliged to bear through taxes.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MANASCO. Mr. Chairman, I rise in opposition to the amendment.

I would like to say that section 2 contains a declaration of policy, and the bill provides: First, to reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Government. I think we should keep the word "efficient" in mind at all times. Second, to increase the efficiency of the operations of the Government to the fullest extent practicable within the revenues as provided in subsection 2 of section 2 (a).

Mr. MARTIN of Massachusetts. Mr. Chairman, if the gentleman would yield, I would like to ask my good friend the gentleman from Alabama if regrouping or efficiency is not generally the alibi when we want to accomplish something, either to promote a man or to get rid of somebody?

Mr. MANASCO. Of course, that is in the past. We are looking to the future. There is one thing that disturbs me about the gentleman's amendment. Our committee hopes that we may reduce these expenditures 85 percent, 90 percent, and even 100 percent in a lot of instances, because we want to abolish a lot of agencies. But there are some transfers and regroupings that will be worked out under this reorganization plan which might impose many more duties on the new agencies set up. And if that happens, it will be necessary to increase the administrative expenses of the agency. But, in the over-all picture, I hope that expenses will be decreased.

Mr. MARTIN of Massachusetts. That is just what I am afraid is going to happen. I am afraid you are going to increase the administrative expenses in some agencies. That should not be done. The people of America demand that there be a reduction in these costs of administration.

Mr. MANASCO. Of course, I hope that administrative costs as well as a lot of other costs will be reduced more than 25 percent.

Mr. MARTIN of Massachusetts. If that is true, then let us test the gentleman's sincerity. Let us start now.

Mr. MANASCO. My sincerity and the sincerity of the committee is expressed on page 2 of the bill in the first five lines.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. MANASCO. I yield.

Mr. CHURCH. Will not the gentleman who is the chairman of the committee accept this amendment in all sincerity?

Mr. MANASCO. Of course, I realize that the amendment does not really amount to anything.

Mr. CHURCH. Therefore, will not the gentleman accept it?

Mr. MANASCO. It does not hurt the bill much.

Mr. CHURCH. Then I think you ought to accept it.

Mr. MANASCO. The committee does not think it hurts it much. But if you are going in to cut expenses, then I think you ought to add about 25 percent more.

Mr. MARTIN of Massachusetts. If the gentleman will join me to insert that figure, I am willing to do so.

Mr. MANASCO. I do not think it will affect the reorganization plan at all.

Mr. MARTIN of Massachusetts. Will the gentleman amend that so as to strike out 25 percent and make it 50 percent?

Mr. MANASCO. I would like to make it 100 percent.

Mr. MARTIN of Massachusetts. We will accept that. I will accept it.

Mr. MANASCO. The point I am making is that we may be providing in the declaration of policy contained in the bill that when they send a reorganization plan down, if the President cannot prove the reorganization plan provides

for a 25 percent reduction of administrative expenses, a court of law might attack the plan and say, "You did not carry out the intent of Congress and, therefore, the entire reorganization plan is null and void." That is one of the dangers. I sincerely trust that the gentleman who offered the amendment realizes that. Our committee is a little more for reduction of expenditures than many Members of the House.

Mr. JENKINS. Mr. Chairman, will the gentleman yield?

Mr. MANASCO. I yield.

Mr. JENKINS. If the gentleman and his committee admit that the amendment will not hurt the bill, then if the gentleman would go one step further he will have to admit that it will strengthen the bill. There is no question about it. The amendment offered by the gentleman from Massachusetts [Mr. MARTIN] will strengthen our policy.

Mr. MANASCO. It might hurt the bill in this way. That is, if the transmittal of the plan shows that the President has not cut the administrative expenses 25 percent, then a court might decide that the entire plan is in violation of the law and, therefore, defeat the whole thing.

Mr. WHITTINGTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am in favor of economy. I am in favor of balancing the Federal Budget as quickly as possible. The pending bill contemplates that. I have favored the economy advocated not only by the minority leader but emphasized by this committee in reporting this bill.

Reference has been made to the statement of President Roosevelt, when a candidate in 1932, and, by inference, to the Democratic platform of that year. There is a difference between the President's statement, a marked difference between the statement of the President, and the statement of the gentleman as proposed in his amendment. There is a difference between the language of the Democratic platform and the gentleman's amendment. The amendment offered by the gentleman from Massachusetts [Mr. MARTIN] says:

It is the policy of the Congress that the transfers, consolidations, and abolitions contained in any one reorganization plan under this act shall accomplish an over-all reduction of at least 25 percent in the administrative costs of the agency or agencies affected.

There might not be a 25-percent reduction in any one plan, but there might at the same time be an over-all reduction in all of the plans submitted of more than 25 percent. If we can save 10 percent or 15 percent or 20 percent under one plan, and 30 percent or 40 percent under another plan, we ought to do it.

I happen to have the Democratic platform of 1932. Let us get the language of the President. He did not advocate a reduction of 25 percent in any one agency. It might be desirable to transfer one of the agencies or boards from a department and make it an independent agency for the purpose of making it more efficient, and there would be no reduction.

The Democratic platform said—and I quote:

We advocate an immediate and drastic reduction of governmental expenditures by abolishing useless commissions and offices, consolidating departments and bureaus, and eliminating extravagance to accomplish a saving of not less than 25 percent in the cost of Federal Government—

It was not in case of any one agency, but—
in the cost of all agencies.

This 25 percent includes not one, but all agencies. It is an overall reduction which I favored. Now let us be realistic. If we mean to accomplish the provisions of this act, if we mean to promote economy, if we mean to bring the expenditures of the Government within its revenues, if we mean, as we have provided in this bill, economy, let us not hamstring the Executive. Let us not prevent him from making a transfer if that particular transfer does not result in a reduction of 25 percent and let us encourage the President to make other reductions of more than 25 percent.

Mr. MARTIN of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield.

Mr. MARTIN of Massachusetts. I desire to say—

Mr. WHITTINGTON. What is the gentleman's question?

Mr. MARTIN of Massachusetts. I wanted to preface it by paying a slight compliment to the gentleman.

Mr. WHITTINGTON. Thanks. Let us have the question.

Mr. MARTIN of Massachusetts. I want to commend the gentleman from Mississippi for his stand on economy, for he has stood for economy in this Congress at all times.

Mr. WHITTINGTON. Thanks again. I do not want to hamstring this reorganization by saying there must be an automatic reduction of 25 percent in every agency, because there might not be a reduction of 25 percent in one agency and there might be and I trust there will be, an over-all reduction of that much and more in all the reorganizations under this bill.

Mr. MARTIN of Massachusetts. Mr. Chairman, will the gentleman yield further?

Mr. WHITTINGTON. I yield further for a question gladly.

Mr. MARTIN of Massachusetts. This does not hamstring the President one bit. This is a directive as to the policy of Congress. He can save 20 percent in any one if he wants to. This does not hamstring the President.

Mr. WHITTINGTON. The gentleman wanted to ask me a question.

Mr. MARTIN of Massachusetts. If he can save a hundred percent we will be more than delighted.

Mr. WHITTINGTON. So will I. The gentleman wanted to ask me a question and then he is repeating the statement he has already made. I have high regard for him, as he well knows.

To promote efficiency and economy is the purpose of this bill. The vice of the gentleman's amendment is that in every case there must be a reduction of 25 percent in every agency reorganized. I would much prefer an over-all reduc-

tion, not confining the reduction to one agency, which might hinder rather than promote economy.

Mr. MARTIN of Massachusetts. No, no.

Mr. WHITTINGTON. But the amendment so states. There might be a transfer or consolidation where you would save 10 percent or 15 percent, but when you make all of the consolidations you might save over 25 percent. You deal with agencies. We are dealing with the entire structure and all executive agencies. The amendment should include all agencies, if included in the bill. We have provided for over-all economy in definite language. I trust the amendment will be defeated.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. HOFFMAN. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, this situation is one of the funniest things I ever witnessed. Governor Roosevelt, as a candidate for the Presidency, said he was going to do something about reducing the expenses of Government. I think he used the figure 25 percent, and promised that if elected he would make a 25-percent reduction in Government expenditures and would reduce the number of Federal employees. After all these years, during which Mr. Roosevelt had the opportunity to reduce expenses, he did not do so—he increased them. Along comes the ranking Member on the Republican side and what does he do? Here is what he does; he offers an amendment by which he says that it is the policy and the expectation of the Congress that any reorganization plan will save 25 percent; and the Members of the majority party do not want to join with us in our hope that we may have economy just because it comes from the Republican side of the Chamber. The amendment expresses hope—and that is all it is—that we may have worthwhile economy. It does not direct anyone to do anything. It does not cramp anybody. Cannot you on the majority side let us hope that this reorganization plan will save 25 percent? We know you never have given us economy, but please, oh please, let us at least hope for it.

Mr. WORLEY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. WORLEY to the Martin amendment: "Amend the Martin amendment by striking out the words '25 percent' and substitute in lieu thereof '50 percent'."

Mr. MARTIN of Massachusetts. Mr. Chairman, I will accept the amendment.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes in support of his amendment.

Mr. WORLEY. Mr. Chairman, in offering this amendment it is my hope that in the proposed reorganization the expenditures of this Government can be reduced as much as possible without impairing the efficiency of the necessary departments, but we should cut out all unnecessary expenditures and governmental activities.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. WORLEY. I yield.

Mr. HALLECK. Does it not get down to this: We all want economy in government; we want departments, bureaus, and commissions that are not necessary eliminated. Likewise, is it not true that we have seen too many alleged reorganizations and alleged economies that really did not effect any economy at all, but was just a reshuffling, placing the same people somewhere else and putting a few more on top, with the end result that we were spending more money after we got through than before we started.

This amendment simply means that the Congress wants this reorganization program carried out in line with our previous promises in respect to economy and the elimination of unnecessary and useless bureaucracy.

Mr. WORLEY. I agree with the gentleman from Indiana. This is not a partisan matter at all because each administration, whether Republican or Democrat, always has a platform favoring reduced governmental expenditures. I feel those promises should be kept, regardless of which party is in power.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. WORLEY. I yield to the gentleman from Pennsylvania.

Mr. RICH. I came to Congress in 1930. I have seen the cost of Government grow from 450,000 employees to 3,500,000. I have been hollering economy all these years. I was never happier in my life than I am at this moment to see people on the other side of the aisle asking for a 25-percent cut.

Mr. WORLEY. I thank the gentleman from Pennsylvania. We must continue the most important job of balancing the Federal Budget, because we now owe the biggest debt in our entire history, nearly three hundred billion dollars. We must employ sound judgment and good business practices in reducing these tremendous war-swollen Budgets.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GIFFORD. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I shall be very brief, but I do wish to make comment, having served nearly a year on a previous reorganization bill and having been somewhat watchful as to how the majority party proceeded under that bill. Sometimes we seem to advocate and talk one way but act in another way or fail to act. It is not an unfamiliar result of legislation when party issues are involved. I seem to see something back of this. It could be used and probably will be used, and I think you would use it, to protect jobs for the faithful of the party. Many wartime organizations are to be abolished rather soon. Under this power of reorganization, as the gentleman from Indiana pointed out, you can now take over many of those organizations before they are abandoned, transfer them with all their functions into other permanent organizations, keeping many employees who seem to be deserving of party recognition. We have in mind the way reorganizations can and are usually used to get rid of certain personalities and take care of the favored ones.

Do I trust the doctor assigned to this particular job? Perhaps I trust him more than I did other previous ones, but I am really losing my confidence in doctors whose duties are to protect political jobs.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I will yield to the gentleman if he can help me.

Mr. MAY. I happen to know that due to some activities of the House Military Affairs Committee a certain group in the War Department was moved out of that Department and discharged, but they are turning up in the State Department.

Mr. GIFFORD. The gentleman well knows this reorganization could be used as a tool for taking care of a great many that are supposed to be, and would naturally be, dismissed by the cessation of the activities of the organization to be done away with. I have been watching that side of the House for several years, since the word "Farleyism" was used as synonymous with jobs—Political jobs! The present majority party has proven most effective in creating jobs but has shown no effectiveness or even willingness to do away with them.

Mr. MANASCO. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. FOLGER].

Mr. FOLGER. Mr. Chairman, let us be frank about this matter. We are playing with a bill that is conceded to be a bill of importance and of vast seriousness. The very first object set forth in the bill is to reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Government. We know what that means. When this bill goes to the President of the United States he will understand what that means and to say that we propose to require that he shall save 25 or 50 percent is an idle gesture which really in all conscience does not reveal much good faith in offering such amendments. Of course, it is more applicable or sufficiently applicable to the 50 percent. If you are going to play with the situation, why not say 75 percent? This bill says, "To reduce expenditures to the fullest extent consistent with the efficient operation of the Government" and that means something and is in good faith.

Mr. Chairman, I trust we will not play with this bill by offering such amendments as these.

The CHAIRMAN. The gentleman from Michigan [Mr. Hook] is recognized.

Mr. HOOK. Mr. Chairman, the gentleman from North Carolina [Mr. Folger] answered the question I was about to ask. I was going to ask whether or not the amendment providing 25 or 50 percent reduction would be effective without this language "to reduce expenditures and promote economy to the fullest extent consistent with the effi-

cient operation of the Government." I do not think the amendment contains those words.

Mr. MARTIN of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HOOK. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. Of course, I expect the President in regrouping these departments will have that in mind. After all, he is going to do the job.

Mr. HOOK. Oh, well, then, I do not see any need for the amendment at all, because the bill provides for that very thing where it sets forth the purpose of the bill that is "to reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of government." Therefore, in view of the answer of the gentleman from Massachusetts, I do not see any need for his amendment at all. It is just surplusage, a sort of window dressing.

Mr. ALLEN of Louisiana. Mr. Chairman, I ask unanimous consent that the amendment and the amendment to the amendment be again reported.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk again reported the amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. WORLEY] to the amendment offered by the gentleman from Massachusetts [Mr. MARTIN].

The question was taken; and on a division (demanded by Mr. SMITH of Ohio) there were—ayes 107, noes 111.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARTIN].

The question was taken; and the Chair being in doubt, the Committee divided, and there were—ayes 112, noes 108.

Mr. MANASCO. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. MANASCO and Mr. MARTIN of Massachusetts.

The Committee again divided; and the tellers reported that there were—ayes 147, noes 142.

So the amendment was agreed to.

The Clerk read as follows:

REORGANIZATION PLANS

SEC. 3. Whenever the President, after investigation, finds that—

- (1) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency; or
- (2) the abolition of all or any part of the functions of any agency; or
- (3) the consolidation of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; or
- (4) the consolidation of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or
- (5) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the re-

organizations specified in the reorganization plan will not have, any functions.

It is necessary to accomplish one or more of the purposes of section 2 (a), he shall prepare a reorganization plan for the making of the transfers, consolidations, and abolitions, as to which he has made findings and which he includes in the plan, and transmit such plan (bearing an identifying number) to the Congress, together with a declaration that, with respect to each transfer, consolidation, or abolition referred to in paragraph (1), (2), (3), (4), or (5) of this section and specified in the plan, he has found that such transfer, consolidation, or abolition is necessary to accomplish one or more of the purposes of section 2 (a). The delivery to both Houses shall be on the same day and shall be made to each House while it is in session. The President, in his message transmitting a reorganization plan, shall (1) state, to such extent as he deems practicable, approximately the reduction of expenditures, if any, which it is probable will be brought about by the taking effect of the reorganizations specified in the plan, and (11) specify with respect to each abolition of functions specified in the plan the statutory authority for the exercise of such function.

Mr. LAFOLLETTE. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. LAFOLLETTE: On page 4, line 3, before the period insert a comma and "a statement of the facts and reasons upon which each such finding is based."

Mr. LAFOLLETTE. Mr. Chairman, I discussed this amendment before the members of the committee who were present yesterday. In order that the membership may more readily understand it, let me say that in section 2 of the bill the Congress establishes standards to which the Executive shall conform in preparing a plan. In section 3 of the bill the Congress establishes or designates the methods by which the standards are reached.

When you get near the bottom of page 3 you will find this language, beginning in line 18:

Is necessary to accomplish one or more of the purposes of section 2 (a), he shall prepare a reorganization plan for the making of the transfers, consolidations, and abolitions, as to which he has made findings and which he includes in the plan, and transmit such plan (bearing an identifying number) to the Congress, together with a declaration that, with respect to each transfer, consolidation, or abolition referred to in paragraph (1), (2), (3), (4), or (5) of this section and specified in the plan, he has found that such transfer, consolidation, or abolition is necessary to accomplish one or more of the purposes of section 2 (a).

You will note the use of the word "findings," that is, the five standards which we establish. My position is simply this, that what we call for in the bill as it is today is a statement of "findings." This use of the word "findings" calls for what we say in law are "conclusions of fact," or it amounts to conclusions of law. There is no provision in the bill, as we have written it, whereby the Executive shall declare the facts and then the reason from the facts by which he concludes that the five standards which we have set up have been met. In other words, without the information, which I think the Congress has a right to ask of any Executive, when the plan comes back you do

not have information by which you could deduce whether or not in any particular part of the plan the findings which the Executive has given are based upon sound, factual considerations. In other words, you have standards with which he is to comply, but he can merely say, "I find," and use any of the language of section 2 (a) and thereby comply with the act now as written without any amendment.

The President might say, for instance: "In making this particular plan I am doing so to reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Government."

But if you have no facts from which you conclude that it is a sufficient and adequate statement, you have no method by which you can measure the sufficiency of the plan which is submitted to you or the merit of the work which the Executive has done.

This Congress is conferring a job upon the Executive. I believe it is consistent with my theory of what the American Government should be that this Congress should lay down the policy, and check on the actions of the Executive, that it should have the facts by which it can make an accurate check. I believe my record in this body to date indicates that I am not afraid of delegating authority; but by the same token in order that we may intelligently act when we do delegate authority I think it is not only our obligation but our privilege and part of our function to require that all the facts shall be given us by which we can determine whether or not the authority, which I am willing to delegate, has been adequately and accurately carried out consistent with the standards which we fix. Our failure to adopt this amendment constitutes abnegation run rife and Congressional negotiations amounting to gross negligence.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. LAFOLLETTE. I am glad to yield.

Mr. HALLECK. Following the line of the gentleman's argument, in view of the fact that this is a transfer of what generally would be considered a legislative power to the Executive, is it not fair to say that the Executive should have the facts upon which his initiation is based even as a legislative committee has before it the facts in the hearings it conducts before it proposes a bill?

Mr. LAFOLLETTE. I think that is quite right.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MANASCO. Mr. Chairman, I ask unanimous consent that all debate on this section close in 10 minutes, the last 5 to be reserved to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection?

Mr. ALLEN of Illinois. Mr. Chairman, I move to strike out the last word and ask unanimous consent to proceed out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ALLEN of Illinois. Mr. Chairman, in keeping with the economy hope of our minority leader, I have written a letter to the Secretary of State which I believe to be very important to the membership of the House and which I will now read:

OCTOBER 2, 1945.

The Honorable JAMES F. BYRNES,
Secretary of State, Washington, D. C.

MY DEAR MR. SECRETARY: Realizing the multitude of duties presently absorbing your every attention, I have hesitated to address myself to the subject matter of this communication inasmuch as it will add further to the burdens already being carried by your own good self.

I feel it imperative however, that I have specific answers to certain interrogations that I might make proper response to a large number of questions currently being addressed not alone to me by the constituency, which I represent, but to many other Representatives to this Congress.

Be assured that these are but a few of the many questions being asked and justifiably so, by the taxpayers who in the last analysis will be called upon to make good every financial commitment made by this administration, whether the commitment be made by the Congress or by the executive department under authority delegated the latter during the last 13 years.

May I therefore, look forward to receipt at the earliest possible moment the following information with respect to the matters of loans, grants or other types of financial assistance to foreign governments, their fiduciary institutions or other bodies set up by the foreign government to act for them or for the United States Government in the implementing financial assistance to them.

1. What steps are being taken to determine the present ability of the people of the United States to extend further lend-lease or other funds to any foreign government whatever. This in the light of the fact that even in the 10 years preceding World War II, the Treasury of the United States was unable to collect from the people in any one fiscal year enough taxes to more than pay about only half the cost of running the Federal Government for that year. How long can we continue to operate at an annual deficit and stay solvent?

2. Is your department sponsoring the loan or grants of any money to any government in the immediate future, and if so (a) would you please furnish a list of the governments, and (b) the approximate amount of money that they request or otherwise indicate they want?

3. Would you please advise the latest figure available as to the present national wealth of the United States as contrasted with the gross public and private debts of its political subdivisions and excluding bank deposits, much of which is invested in Government bonds?

4. Will any or all loans made be passed upon by the United States Bureau of the Budget?

5. Has any foreign government seeking aid of the United States been asked to submit a financial budget of their annual taxes (from all sources) and a break-down of the expenses such as is prepared by the United States Bureau of the Budget?

6. Is it contemplated to offer still another bond issue to the public in order to raise money for the purpose of extending contemplated aid to foreign governments?

The nature of the above will indicate in part the kind of questions being asked of myself and other Members of Congress. They are coupled with queries having to do with weekly compensation for our own unemployed, a demand for the abatement of certain nuisance taxes, war taxes on automobiles, household and electrical goods, watches, jewelry, as well as an insistent demand for a reduction both in corporate tax

as well as the pay-roll deductions now being made in collecting the current rates on income taxes in general.

National exigency requires prompt response. Inasmuch as all factual data must now be on hand, may I take this opportunity of thanking you for your every effort to expedite answer of the above query.

With kindest personal regards, I remain,
Sincerely yours,

LEO E. ALLEN,
Member of Congress, Thirteenth District of Illinois.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. WHITTINGTON].

Mr. WHITTINGTON. Mr. Chairman, I rise in opposition to the pending amendment. I want to take this occasion to say that the ranking members and the members on the minority have sincerely cooperated in the reporting of the bill that we have under consideration. I have high regard for the gentleman from Indiana [Mr. LAFOLLETTE]. It is fair to say that he suggested two amendments, that the committee considered both of the amendments carefully, and to the next section the committee proposes to offer as a committee amendment an amendment suggested by the gentleman from Indiana. We have the same objectives in mind.

In just a few words I should like to call the attention of the committee to the amendment now under consideration. It requires that the President shall submit the facts upon which he bases his plan for consolidation. I have before me the plan submitted by President Hoover and the plans submitted under the act of 1932 as amended by President Roosevelt. It is unthinkable that any President would submit a plan without also submitting his reasons in support thereof. As I see it, the difficulty with this particular amendment inserted in this section is whether or not the Congress of the United States in approving or disapproving the plan will permit the President to substitute his findings for the yardstick that we lay down.

I am fundamentally interested in the facts or standards as set forth by the bill. I am glad to have the views and the recommendations of the President, but I insist that the yardstick is not the President's findings, not what facts occur to the President. But he is authorized under this section 2 to submit a plan provided he finds that the plan will reduce expenditures, promote economy, will increase efficiency, will group, coordinate, and consolidate functions of Government according to their major purposes, will reduce the number of Government agencies, and eliminate overlapping and duplication. That is our yardstick. We do not put ourselves in the hands of the Executive to comply with his views and his facts. With all deference and in all kindness I concur with the committee in the thought that the adoption of this particular amendment might limit us in our yardstick by substituting the views of the President for the policies and standards we have laid down.

I would like to say this further with respect to this particular section. We have asked the President for the first time, when he submits a plan, to state affirmatively to such an extent as he deems proper approximately the reduc-

tion in expenditures. If it be 10 percent, if it be 25 percent, if it be 50 percent, we ask him to state it. Secondly, we do something else. If the President undertakes to abolish, because he has abolished an agency, a function that the Congress of the United States has established, where there is duplication, we can require him in the second place to specify the statute so that we may put our fingers on it and know exactly the functions that are being abolished. In all deference the language in which we set forth our standards and our yardstick is language which has been approved and amplified in previous acts, and by the acceptance of this amendment, knowing that the President himself would not submit a plan without giving his reasons, we might in advance be approving the President rather than our own yardstick.

For that reason, Mr. Chairman, in all deference to my good friend who stands for reorganization, in my judgment, this amendment should be defeated.

The CHAIRMAN. The time of the gentleman from Mississippi has expired. All time has expired.

The question is on the amendment offered by the gentleman from Indiana [Mr. LAFOLLETTE].

The question was taken; and on a division (demanded by Mr. LAFOLLETTE) there were—ayes 31, noes 64.

So the amendment was rejected.

The Clerk read as follows:

OTHER CONTENTS OF PLANS

SEC. 4. Any reorganization plan transmitted by the President under section 3—

(1) shall designate, in such cases as he deems necessary, the name of any agency affected by a reorganization and the title of its head;

(2) may include provisions for the appointment and compensation of the head and one or more assistant heads of any agency (including an agency resulting from a consolidation) if the President finds, and in his message transmitting the plan declares, that by reason of transfers and consolidations made by the plan, the responsibilities and duties of such head are of such nature as to require such action. In the case of any such appointment the term of office shall not be fixed at more than 4 years, the compensation shall not be at a rate in excess of \$12,000 per annum, and, if the compensation is at a rate in excess of the highest per annum rate which, without specific authorization or appropriation therefor, can be assigned to any position under the Classification Act of 1923, as amended, the appointment shall be by the President, by and with the advice and consent of the Senate;

(3) shall make provision for the transfer or other disposition of the records, property (including office equipment), and personnel affected by such transfer, consolidation, or abolition;

(4) shall make provision for the transfer of such unexpended balances of appropriations available for use in connection with the function or agency transferred or consolidated, as he deems necessary by reason of the transfer or consolidation for use in connection with the transferred or consolidated functions, or for the use of the agency to which the transfer is made, but such unexpended balances so transferred shall be used only for the purposes for which such appropriation was originally made;

(5) shall make provision for winding up the affairs of any agency abolished.

Mr. MANASCO. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANASCO: On page 4, strike out lines 16, 17, and 18, and insert the following quoted paragraph:

"(1) shall change, in such cases as he deems necessary, the name of any agency affected by a reorganization, and the title of its head; and shall designate the name of any agency resulting from a reorganization and the title of its head."

Mr. WHITTINGTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this amendment is the one I referred to as being proposed by the gentleman from Indiana [Mr. LAFOLLETTE]. It involves the meaning intended by the language in the bill, and I think it clarifies it.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Michigan.

Mr. HOFFMAN. This is an amendment proposed in the committee by the gentleman from Indiana [Mr. LAFOLLETTE]?

Mr. WHITTINGTON. It was offered by him and adopted by the committee.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. MANASCO. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANASCO: On page 5, line 1, after the period insert a new sentence as follows:

"The head so provided for may be an individual or may be a commission or board with two or more members."

The committee amendment was agreed to.

Mr. MANASCO. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANASCO: Page 5, in line 14, strike out "such" and insert "any"; and in line 18, strike out "the" and insert "any."

The committee amendment was agreed to.

Mr. DIRKSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: On page 6, after line 2, insert a new paragraph as follows:

"(6) In the first reorganization plan which the President submits to the Congress he shall include an agency wherein shall be consolidated and coordinated in the interest of efficiency, economy, and effective national policy all functions relating to relief and rehabilitation in foreign countries, and which shall provide for the coordination of all commercial and financial relations with foreign countries; and shall transfer to such agency all functions, funds and personnel who are, or since December 7, 1941, may have been, engaged in carrying on the functions of the Export-Import Bank, the Foreign Economic Administration, the Rubber Development Corporation, the U. S. Commercial Company, the United States Tariff Commission, the Lend-Lease Administration, the Office of Inter-American Affairs, the foreign functions of the Bureau of Foreign and Domestic Commerce, the functions of UNRRA which are wholly within the jurisdiction and control of the United States, the functions of the Bretton Woods agreement which are in the control and jurisdic-

tion of the United States, the administration of reciprocal trade agreements, and any other functions and activities other than those of the State Department which are directly related to foreign aid, trade, finance, commerce, industry, and agriculture."

Mr. WHITTINGTON. Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Illinois on the ground it is not germane. I will reserve the point of order if the gentleman from Illinois desires me to do so at this time.

Mr. DIRKSEN. Mr. Chairman, I prefer that the gentleman make his point of order at this time.

Mr. WHITTINGTON. Mr. Chairman, I make the point of order that this amendment is not germane to the bill now under consideration and is not germane to the reorganization of the permanent departments of the Government. It is not germane to the section under consideration. It embraces many other items and agencies set up under the First War Powers Act by the President with which this bill does not deal with and does not authorize to be continued. Under that act those functions can only be continued for 6 months after the war has been declared ended. I insist, Mr. Chairman, that the amendment is not germane either to the section to which it has been offered or to the bill. For the reasons I have stated, Mr. Chairman, I believe the point of order should be sustained.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. DIRKSEN. Mr. Chairman, I make two points in connection with the point of order raised by the gentleman from Mississippi. The first point is that the amendment deals with nothing except executive agencies. The second point is that on page 2 of the pending bill there is this language:

"To create, coordinate, and consolidate agencies and functions of the Government as nearly as can be according to major purposes."

This is an effort to coordinate activities in consonance with a major purpose. I consider, Mr. Chairman, therefore, that the amendment is germane, not only to the bill, but also to the paragraph, and is properly offered at this point.

Mr. WHITTINGTON. Mr. Chairman, may I submit a further point for the consideration of the Chair?

The CHAIRMAN. The Chair will be glad to hear the gentleman from Mississippi.

Mr. WHITTINGTON. Mr. Chairman, the agencies defined in this bill are executive agencies. The bill deals with executive agencies. The committee never heard of this amendment until it was read just now. Executive agencies are defined in the bill. I submit the question as to whether a number of the institutions or organizations embraced in the amendment offered by the gentleman from Illinois are embraced in the term "agencies" as defined in this bill. I submit, therefore, that the amendment is not germane to the subject matter of reorganizing the permanent executive departments of the Government as provided in the pending bill. It would make permanent functions that expire under

the War Powers Act. The bill authorizes the President to submit plans; the amendment directs him to establish an agency. It is not in accord with the purposes and is not germane to the bill or the pending section.

Mr. CHURCH. Mr. Chairman, for the enlightenment of the committee, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk again reported the amendment.

Mr. WHITTINGTON. Mr. Chairman, I have no disposition to detain the Chair.

The CHAIRMAN. The Chair will be pleased to hear the gentleman further.

Mr. WHITTINGTON. This amendment was never presented to the committee. It is a most far-reaching amendment. It provides in the first instance for establishing an agency. We are not giving the President the power to establish an agency unless it is necessary in combining and abolishing agencies, and it is beyond the scope of this bill.

Moreover, I repeat that this amendment deals with a rubber corporation, with agencies that we are doing our level best to abolish, agencies established by Executive order under the First War Powers Act. The bill under consideration does not provide for the consideration of those agencies. We deal with the permanent executive agencies of the Government, rather than the war agencies of the Government. The Economic Administration, the Rubber Corporation, and these other temporary agencies are foreign to the real purpose of this bill. The purpose is to provide for reorganization of existing executive permanent departments of the Government, rather than to provide a foreign idea of establishing a new agency and bringing into that agency agencies that have been authorized under the First War Powers Act, together with agencies that may be authorized under legislation. Certainly that is outside the scope of this bill.

Mr. DIRKSEN. Mr. Chairman, I call the attention of the gentleman from Mississippi to section 2 (a) of the bill, which reads as follows:

The President shall investigate the organization of all agencies of the Government and shall determine what changes therein are necessary to accomplish the following purposes.

Mr. WHITTINGTON. And the word "agency" under section 7 of the bill is defined.

The CHAIRMAN (Mr. COOPER). The Chair is prepared to rule.

The gentleman from Illinois [Mr. DIRKSEN] has offered an amendment which has been reported. The gentleman from Mississippi [Mr. WHITTINGTON] has made a point of order against the amendment on the ground that the amendment is not germane to the pending bill.

The Chair has examined the amendment in comparison with language contained in the pending bill and invites attention to the fact that under "Definitions of Agencies", as provided in section

7 on page 9 of the pending bill, it is observed:

When used in this act the term "agency" means any executive department, commission, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, board, bureau, division, service, office, officer, authority, or administration, in the executive branch of the Government.

The Chair is of the opinion that the agencies enumerated in the amendment would come within the scope of the definition stated in the bill to which the Chair has invited attention. The Chair feels that the amendment is germane, and therefore overrules the point of order.

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes in support of his amendment.

Mr. DIRKSEN. Mr. Chairman, as a prelude to what I have to say about this amendment let me dispose once more of the contention made by my friend from Mississippi that this was not brought to his committee. I believe it was not. The fact of the matter is that since the 5th day of September, including Saturdays and Saturday afternoons, members of the Deficiency Appropriations Committee have been conducting hearings for 6 days a week. This has been my first opportunity on the floor, let alone appearing before the committee. I regret that fact, but I do not believe that it ought to foreclose anyone in his privilege or his prerogative to submit that which he thinks will implement and modify and improve and strengthen existing legislation, even though it was not submitted to the committee that is handling it here on the floor.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. Very briefly.

Mr. HOFFMAN. I quite agree with the gentleman in what he says. I believe it is the duty of every Member to submit any constructive suggestion he has. If we could have the opportunity to look it over ahead of time so much the better; but anyway he should have the privilege of submitting it and having it considered.

Mr. DIRKSEN. I thank the gentleman. There is in the country today a great deal of anxiety. In fact, there is a great deal of fear. Perhaps it is a good thing, because, after all, fear is the beginning of wisdom. How many times this question of loans to Britain has already been discussed on this floor. How many times have we speculated on the request of Russia for a loan? How much discussion there has been about our relief activities abroad. On Monday or Tuesday of next week the United Nations Relief and Rehabilitation Administration will be within 50 feet of this Chamber asking for another \$550,000,000. So we are confronted with this question of loans, we are confronted with the question of relief and rehabilitation in for-

eign countries, and there is some reason to believe that the President of the United States is going to ask for another \$1,950,000,000 for these purposes. There is also the question of the gold balances the countries have on deposit in the United States, the same countries which at the present time are undertaking to procure loans of money, if they can, in order to supplement and support their own economies at home. There is this problem, for instance, of the Bretton Woods agreement as it relates to both the bank and the stabilization fund; to what extent they are coordinated with the activities, particularly at the present time. On other occasions I have raised this same general question on the floor of the House, and particularly in connection with the Reciprocal Trade Agreements Act. In my judgment the duties which may be established on imports is the least of our problems today.

What difference does it make how much a duty is lowered on goods that go into India when there is an import-control system in India that allows the use of only \$30,000,000 of American dollar exchange in 1 year for imports from the United States? What difference does it make what the tariffs if the money is not released with which to buy our commodities freely? What about the cartels that exist in the world today that impede and obstruct the free flow of commerce? Look at the situation in Egypt. It is only a few months since we were seeking to sell a number of DC-3 planes to Egypt for air-line use. It was a terribly long time before the deal was ever negotiated for two reasons; the first one was that there was an import-control panel that was determining what could be sent into the country; and the second one was that there was another control panel to say whether dollar exchange should be released from a \$20,000,000 of allowable dollar exchange for the purpose of buying goods from this country. The point of all this is simply how are we going to get a broad picture of our commercial, financial, and relief functions to deal intelligently with the demands made upon us and how is the President of the United States going to get a picture and coordinate every one of these activities in that very field without immense duplication, and waste, and extravagance, unless the thing is centered in some one place?

Recently the Foreign Economic Administration has been taken apart. Part of its functions have been given to the State Department. Part of the OWI functions have been given to the State Department. Some of the Foreign Economic functions have been given to the Department of Commerce.

Once more we are confronted with this problem of seeing a ramification of functions for one major purpose that ought to be under one central head so one can look at every aspect of this problem in the interest of economy and the elimination of duplication. How can we properly evaluate our capacity to undertake further obligation in this field until every aspect is brought together in one place for review?

If we want to save some money and carry out the import and content of the amendment offered by the majority leader that was adopted a little while ago, the thing to do is to consolidate in foreign fields because that is where the billions are going to be. You cannot do it by saving a million here and a million there. Real economy depends on how many billions you can save for the taxpayers of the country which will be committed from time to time from here on out in the field of foreign activities.

One other item should be mentioned. There is a disposition to believe that lend-lease activities have come to an end. They have not. New lend-lease commitments have stopped, but we have had testimony very recently that under the act of 1941 the Lend-Lease Administration can fill the requisitions that were filed before the Presidential order suspending lend-lease, and those requisitions will be fulfilled and goods will be shipped for a period well after the 1st of January, 1946. That is the record.

What about this confusing picture? I suggest that we coordinate these activities and give them some central direction. It is in the language of the amendment:

In the first reorganization plan which the President submits to the Congress he shall include an agency wherein shall be consolidated and coordinated in the interest of efficiency, economy, and effective national policy all functions relating to relief and rehabilitation in foreign countries and which shall provide coordination of commercial and financial relations with foreign countries.

We shall never get a uniform, accurate picture of this matter, we shall never be able to strike a balance sheet, and we shall never be able to put together all the diverse parts of this whole picture and this whole problem until that is done. This is the proper place to do it.

We are delegating a legislative function to the President of the United States. Why not exercise just a little bit of our own legislative capacity and legislative responsibility here by saying to the President: Now, when you send us your reorganization plan, you include something that will consolidate all these agencies and these functions that are dealing with countries abroad so that there shall be a true picture and there shall be a maximum of efficiency in the operation of those functions.

Mr. MANASCO. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Alabama.

Mr. MANASCO. I am wondering if the gentleman's amendment might not prevent any reorganization at all, because, as I understand the amendment, it is a mandatory amendment requiring the President in his first reorganization plan to carry out the provisions of this amendment. He might not agree with the amendment. He might not want to do that.

Mr. DIRKSEN. I may say to the gentleman from Alabama that there are two answers. In the first place, the President is not mandated to send any reorganization bill. He may not send us any. This says that if he does send us a reorganization bill, in the very first one he shall in-

clude that kind of a consolidation in the interest of economy, efficiency, and the national domestic policy.

Mr. MANASCO. That is exactly the reason I think the gentleman's amendment is dangerous because if the President does not want to carry out the suggestion contained in the amendment, we will not have a reorganization of some of the executive agencies.

Mr. DIRKSEN. This is the law-making branch of the Government. It is up to us to tell the President, as we are telling him in this bill, what he can do and what he cannot do. That is a mere exercise of our own legislative function. The bill does so in a general way. This amendment deals with a special major function, namely, in the foreign field.

Mr. MANASCO. I think that the Foreign Affairs Committee is the committee that should deal with this proposition; they should make those studies, not our committee.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Michigan.

Mr. HOFFMAN. If I understood the gentleman correctly, he said he wanted the President to send down a plan which would consolidate our foreign and domestic policies. Did I misunderstand him?

Mr. DIRKSEN. No. It is to consolidate those foreign activities relating to aid, trade, commerce, and finance so that you get them all in one basket.

Mr. HOFFMAN. Would the gentleman have brought in here in the first plan the Tariff Commission which is exempted?

Mr. DIRKSEN. Very definitely so. The functions of the Tariff Commission that relate to that ought to be placed there.

Mr. HOFFMAN. Placed in this consolidation?

Mr. DIRKSEN. Exactly so.

Mr. HOFFMAN. As I understand it, the gentleman voted for all these agencies that he now wants to consolidate. I do not believe I ever voted for any of them. If you propose to get them all in one, where I can get at them, I might support the gentleman.

Mr. DIRKSEN. I must remind my colleague from Michigan that the United States Tariff Commission was constituted away back in the days of Woodrow Wilson before I got here.

Mr. HOFFMAN. That is exempt in this other section.

Mr. DIRKSEN. Yes.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Illinois.

Mr. CHURCH. May I remind the gentleman that the President can submit a first plan, and then the very next day

he can submit other plans, and they could be voted on separately.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Illinois.

Miss SUMNER of Illinois. Did the gentleman's amendment include UNRRA and Bretton Woods; that the President was authorized to put them into this one agency?

Mr. DIRKSEN. The language is: The functions of the United Nations Relief and Rehabilitation Administration which are under the control and jurisdiction of the United States. That might be our share of the accounting, our share of direction, insofar as it is under our control, and likewise so far as those functions relating to the stabilization fund and the International Bank as are also under our control and our jurisdiction.

To summarize then, Mr. Chairman, until we can assess every other need and demand that other nations may present to us, how shall we properly determine in the interest of our own country just what should be done? Until we appraise the controls, the blocked exchange, the cartels and other instruments which serve to block the flow of commercial goods from the United States, how shall we determine what we should do when requests are made by foreign lands for money in the form of loans and for other types of credit? Until all the facts and circumstances which are a part of our relationship with foreign lands are brought into perspective under one head, how can we maintain records and data that are completely reliable and which must become the basis for our trade relations in the future? I am thinking about the protection of our own national economy because there will be millions of young men who will be returning to find jobs and who have a claim on the gratitude of this country. Our capacity must, therefore, remain intact and if we should extend ourselves or promise far beyond what we can perform for other countries, is it not a certainty that by broken promises we shall earn their ill will and contempt? This tragedy can be avoided and we can make provision for our own only in proportion as these foreign activities are closely and carefully coordinated and that is the objective of the amendment now before you.

Mr. COCHRAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I dislike to find myself in disagreement with my able friend from Illinois. In the first place, as I see it, this amendment makes it mandatory for the President to set up another agency. We are trying to reduce the number of agencies. In support of my statement I ask you to listen to this language:

and shall transfer to such agency all functions, funds, and personnel who are or since December 7, 1941, may have been engaged in carrying on the functions of the Export-Import Bank, the Foreign Economic Administration, the Rubber Development Corporation, the U. S. Commercial Company, the United States Tariff Commission, the Lend-Lease Administration, the Office of Inter-American Affairs, the foreign functions of the Bureau of Foreign and Domestic Commerce, the functions of UNRRA which are

wholly within the jurisdiction and control of the United States.

There it makes it mandatory upon the President to create a new agency and to keep on the pay rolls everyone who has been employed in those activities since 1941. It is in direct contrast to the efforts of the committee to create efficiency and reduce expenditures under the terms of this bill.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. If this amendment is adopted we are making a permanent agency of the Government directly connected with foreign relief. That is really a war measure and comes under the First War Powers Act. We are establishing an agency here and directing it to be established to put the United States permanently into foreign relief if the amendment is adopted.

Mr. COCHRAN. Absolutely, without a question of a doubt.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Illinois.

Mr. DIRKSEN. The gentleman has pointed out personnel. The reason for putting that provision in there was to make sure that no agency would be crippled in its functions until it had been transferred, and thereafter a reduction can be made. The OWI, for instance, has been transferred in its entirety, including all of its unexpended balance, to the State Department. Yet there will be a progressive liquidation of that function, so that by the first of the year the personnel will be progressively diminished. That item was placed in the amendment for the very purpose of safeguarding the functions of those agencies until the transfer can be made. There is nothing to prevent the President at any time from reducing personnel, and secondly, there is nothing to prevent the Congress of the United States at any time from reducing appropriations, and personnel must then be in proportion.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Illinois.

Miss SUMNER of Illinois. The amendment is complicated and I am not sure I understand it. Is it the idea to have this one agency with all these different functions, and then also have the State Department, which has all the negotiating with foreign countries? That sounds absolutely bizarre to me, if that is what it means, but I may not have understood it.

Mr. COCHRAN. I so understand the amendment. May I say further in reference to the personnel part of the amendment offered by the gentleman from Illinois, as long as the gentleman from Illinois touches on it, that he says that the President shall transfer the personnel "who are, or since December 7, 1941, may have been, engaged in." That is putting people back to work who have already been separated from the service.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The illustration given by the gentleman from Illinois of the OWI's being transferred to another agency is a reduction. This provides for a new agency. In that case the Executive order reduced an agency for liquidating purposes, merging it into another and an establishing agency. This amendment, however, provides for the establishment of an entirely new agency. The observation made by the gentleman from Illinois I think bears weight, because this provides that some of the activities of the State Department are to be taken from it and put into the new agency provided for in this amendment. Certainly nobody can follow the far-reaching implications and forecast the results that might occur if this amendment were adopted.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Illinois.

Mr. CHURCH. In answer to the gentleman from Illinois and the majority leader, the amendment relates to an agency only. There is no reason why the agency could not be under the State Department.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. HOFFMAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, no Member of this House has any higher regard for the ability of the gentleman from Illinois [Mr. DIRKSEN], than have I. As I read this amendment it is not a move toward economy. Just listen to the reading of the amendment. I read:

In the first reorganization plan which the President submits to the Congress he shall include an agency wherein shall be consolidated and coordinated in the interest of efficiency, economy, and effective national policy all functions relating to relief and rehabilitation in foreign countries, and which shall provide for the coordination of all commercial and financial relations with foreign countries; and shall transfer to such agency all functions, funds, and personnel who are, or since December 7, 1941, may have been, engaged in carrying on the functions of the Export-Import Bank, the Foreign Economic Administration, the Rubber Development Corporation, the United States Commercial Corporation, the United States Tariff Commission, the Lend-Lease Administration, the Office of Inter-American Affairs, the foreign functions of the Bureau of Foreign and Domestic Commerce, the functions of UNRRA, which are wholly within the jurisdiction and control of the United States, the functions of the Bretton Woods agreement which are in the control and jurisdiction of the United States, the administration of reciprocal trade agreements, and any other functions and activities other than those of the State Department which are directly related to foreign aid, trade, finance, commerce, industry, and agriculture.

I am not criticizing the gentleman and those who consulted with him and drew this amendment, because they did not submit it to the committee. That is not my idea at all. I think every Member is obligated to speak up every time he thinks he can make a bill better. But listen to this:

In the first reorganization plan which the President submits to the Congress he shall include an agency—

I do not know what they are going to name that agency and it does not make any difference, although it might properly be called the omnibus agency on the theory that it includes everything—

wherein shall be consolidated and coordinated in the interest of efficiency, economy, and effective national policy all functions relating to relief and rehabilitation in foreign countries, and which shall provide for the coordination of all commercial and financial relations with foreign countries—

Now, get this—

and shall transfer to such agency all functions, funds, and personnel—

In all these other agencies.

That amendment if adopted and carried out, brings under one blanket omnibus bill all of these agencies named, with every single function they have today and every man, woman, and child they employ. What is the use of talking about economy? It is no answer, may I say to the gentleman from Illinois, to say that later the President can economize and fire some of the employees or do away with some of the functions.

Mr. DIRKSEN. He can do it right away, as a matter of fact.

Mr. HOFFMAN. He can do it now if he wants to in a lot of these agencies.

Mr. DIRKSEN. Certainly.

Mr. HOFFMAN. May I ask the gentleman from Illinois what good it will do to consolidate all these and put them in one basket? Are they any better when you get them in one basket?

Mr. DIRKSEN. Yes. That is a fair question. Very definitely so.

Mr. HOFFMAN. Why?

Mr. DIRKSEN. Will the gentleman give me time to answer?

Mr. HOFFMAN. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DIRKSEN. Here you have the United Nations Relief and Rehabilitation Administration with thousands of employees proceeding toward a relief objective without any regard for the things that are happening in other branches of the Government.

Mr. HOFFMAN. That is right.

Mr. DIRKSEN. Here you have the negotiation of loans or at least they are in a tentative stage today with nobody quite advised as to what is going on, with the result that there is no coordination there whatsoever.

Mr. HOFFMAN. That is right.

Mr. DIRKSEN. There is nothing to prevent the abolition of any agency here after the functions have been transferred.

Mr. HOFFMAN. Why not abolish them now or as this bill seeks to do?

Mr. DIRKSEN. The agencies definitely would be abolished.

Mr. HOFFMAN. But, you put them all under one blanket and you say to the President, "You are going to have to transfer all of the functions and keep

all the personnel there." That is what your amendment says. When you get through, the total is equal to the sum of all of its parts. You just have all the little shows grouped under one tent.

Mr. DIRKSEN. You can transfer the functions and you can abolish the agencies and you can diminish the functions if you like. I believe the gentleman does not make a valid argument.

Mr. HOFFMAN. Why do you have to get them all in one agency to do it? The bill proposes to do it one by one as the plans come along. Here is what you do by your amendment. You say, he shall transfer to this new agency, that is, to this over-all agency, the biggest one of all, all the funds and personnel. Why, you have been yelling your head off and so have I to get rid of some of them. For instance, UNRRA. Why keep that in? Your committee brought in a bill here which provided money for a bigger UNRRA. They would be abroad in one of those agencies. You would keep them in, but not me. I agree with your purpose. I agree with your motive. But I say that you are just grouping them together, putting them in under another name.

Mr. DIRKSEN. I served on the first committee on reorganization back in 1937 and 1938. In every plan that was submitted, all the personnel and all the appropriations were transferred together to a new agency and then the reduction began. It becomes an administrative matter and it has to be worked out that way.

Mr. HOFFMAN. There is no virtue in the gentleman's amendment then except that you have a new name for the whole bunch of them.

Mr. DIRKSEN. That must be so because it is going to be impossible for all of those agencies to go out of business. There must be some exceptions.

Mr. HOFFMAN. That is after the agency has been transferred to the new agency?

Mr. DIRKSEN. Yes; because how can you get rid of them unless they are abolished by Executive order or by legislation?

Mr. HOFFMAN. Why not abolish them before they are put in this new agency? Liquidate the bad ones, save the good ones.

Mr. DIRKSEN. You must save some of these functions. They cannot be thrown overboard because they are continuing functions.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. MASON. The gentleman has asked, Is there any virtue in this proposition? The only virtue I see in it is this: You are going to save on the billions of dollars that are handed out for relief. Ninety-five percent of all the appropriations on this relief is handed out and 5 percent goes for administration.

Now, the Members on this floor, including the Member now in the well of the House, are seeing this 5 percent for administrative costs so large that he forgets the 95 percent which is being handed out for these things.

Mr. HOFFMAN. No; I am not forgetting the 95 percent that goes for administrative costs. The point I make is—

what is the use of putting them all into one agency if you are going to keep all the hired help and all the money. You can kill them one by one just as well as you can after you have put them all in one pen. Why do you bring into this over-all agency and hook it up with UNRRA the Tariff Commission, which is expressly exempted in the bill, and all of those agencies which the gentleman from Indiana [Mr. HALLECK] wants exempted; that is, those eight agencies. I cannot see where you are getting anywhere in keeping all the hired men and hired girls and putting them all under one agency. I cannot see it.

Mr. HARE. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. HARE. Would not the enactment of this amendment have the effect of incorporating the dying wartime agencies; in other words, the dying wartime agencies such as the OWI would be revitalized and we would be making them permanent agencies of the Government?

Mr. HOFFMAN. I do not know. The possibilities of this amendment are beyond me.

Mr. HARE. It would put such an agency into the new agency and that new agency is being created and certainly the old dying, wartime agency is being revitalized and made permanent.

Mr. VORYS of Ohio. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, ever since early 1943 I have been waging a fight that was at times a one-man fight to undo just exactly what this amendment attempts to redo. I was delighted recently to hear of the demise of FEA. FEA is the successor of BEW. You remember BEW got into a fight when it was under the then Vice President Wallace. They had a whole bunch of agencies dealing with foreign affairs in BEW in just the way that the Dirksen amendment recommends, and some more in RFC under Jesse Jones. Jones and Wallace got into a fight. What did President Roosevelt do? He did what the gentleman from Illinois [Mr. DIRKSEN] says we should do. He created another new agency. I have been fighting, and the Republicans have been fighting, to cut down agencies. Every time a New Deal agency failed in its purpose, they set up another new agency to do the same thing. We Republicans have fought that for years. Our candidate, Governor Dewey, last fall made a speech in which he mentioned 14 different agencies that had to do with foreign affairs, and urged that they be consolidated or abolished. I presented on this floor in 1943 the fact that we had six Government agencies and departments exporting commodities and eight importing commodities. This amendment would dodge that question of duplication by creating another new blanket agency and taking in a lot of functions that belong under existing old-line departments.

This amendment could not possibly be adopted in view of the provisions on page 6 of this bill which forbid the creation of a new department or the destruction of an existing one, because what is attempted here is to create a new State

Department, a new Department of Foreign Affairs, and give it some new label.

We ought to strengthen and improve our State Department, not tear it down and tear it apart. We want to organize all of our political and diplomatic affairs overseas and in this country under the old-line Department of State. Steps have been taken since the war in that direction. We want to scrap the war agencies as soon as possible. We want to have foreign financial matters in which the Treasury is involved working through the Treasury Department and the Department of State. In foreign lands all of our different activities, commerce, agriculture, finance, relief, or whatever they are, should be headed by our American Ambassador or Minister in that country. We want them coordinated in this country. Steps are being taken, slowly but perhaps effectively, to consolidate and to abolish the war agencies and to abolish agencies such as the FEA, which thought it got a lease on life by getting hold of a few postwar functions.

But what we want to do is just exactly the opposite of what this amendment proposes to do. We must realize that in our foreign affairs, for years to come, many of our departments are going to be involved, but make sure that their activities are coordinated; that no new departments are created for that purpose, but that they function under the State Department as the head. Of course, you will always have the War and Navy Departments involved in international questions. You will have the Treasury. Possibly we may recreate commercial attachés as the representatives of the Department of Commerce, such as President Hoover established all over the world, and which were stricken out by the New Deal, and which I understand are going to again be recreated. But, above all, we do not want a mixed-up affair like this thrown on the country.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. VORYS] has expired.

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent that the gentleman may have one additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. I yield.

Mr. DIRKSEN. The whole argument of the gentleman from Ohio can be demolished in one sentence. There is nothing in the amendment and nothing in the bill, after these activities are coordinated, to prevent putting them in the State Department.

Mr. VORYS of Ohio. If that demolishes my argument, your proposal would be just as if we urged the President to set up 50 new agencies, because there is nothing in the bill that would prevent him from abolishing them later. If it is no good at the start there is no use starting it. The President has made a step in the right direction in abolishing FEA and going to the old-line department and attempting to coordinate and simplify it. Let us not require that the

President make a step in the wrong direction, with the hope that it could be righted later.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mrs. LUCE. Mr. Chairman, I rise in support of the Dirksen amendment.

Mr. Chairman, as I see the purpose of this amendment, it is to coordinate the activities of all the agencies having to do with the rehabilitation of Europe and Asia. The coordination of the activities of those numerous agencies would save the people of this country billions of dollars in the next 5 or 10 years. What might be spent in immediate moneys for the creation of such a coordination of world rehabilitation efforts would be more than made up in the savings we would make.

Every American with a sound head and a sound heart wants the United States to aid in the rehabilitation of Europe and Asia, even though this may mean some continuation of wartime restrictions and a lowering of the present over-all high level of food consumption in America.

It seems to me, however, that the man in the street, out of whose pocket the money for such a program must eventually come, in the form of taxes, would support it far more enthusiastically if he only had some reasonably clear idea of the answers to the following questions:

First. How big is the whole job? How much American food, fuel, clothing, medical supplies, livestock, rolling stock, matériel, and so forth, and money, in terms of loans, gifts, or credits, are needed actually to prevent a widespread European famine in the next year or 2 years? How much of these are needed over and above actual starvation needs to prime the pumps of European and Asiatic economy and restore normal trade relations between the United States of America and Europe and Asia?

Second. What would the whole job cost?

Third. How much of our food, material, and money should we be willing (a) to give away on an out-and-out charitable basis immediately in order to prevent famine and pestilence in Europe; (b) to risk in the hope or on the promise of political or economic quid pro quos; (c) to invest on sound international business and trade principles, in doing this whole job?

Until we know what has to be done to rehabilitate Europe and Asia, no private citizen or public servant can undertake to say how much of it our people should or can do. For example, however great Europe's food needs, we must not let any section or groups in our own country fall below subsistence level to fill them.

When I returned from Europe, shortly before VE-day, I suggested the need for a world rehabilitation czar, or chairman of a world rehabilitation board, whose primary task it would be to make a beginning toward finding the answers to the above questions. We all talk of the concept of one world. But certainly the concept of one Europe is the only one that makes sense when we think of the rehabilitation problem. The economic and physical rehabilitation of Europe is

not a French, or Dutch, or German, or Greek problem—it is a European problem, and must be studied, presented, and treated as a whole. Neither is it a monetary, food, housing, agricultural, transportation, or medical problem. It is a problem of which all these things are crucial components, none of which can be considered entirely separately from the others.

The problem of the rehabilitation of Europe and Asia should be analyzed as a whole by one agency of the administration, which should have as its agents or informants all other branches of the Government working today on the rehabilitation of foreign countries: the FEA, the UNRRA, the Export-Import Bank, and so on.

This analysis should be presented as a whole to the Congress and the people, so that they may know how much of such a program they are willing to underwrite as taxpayers over a limited period of years, either as charity, risk, or investment, and how much of their own comforts they are willing to sacrifice to achieve it.

Our failure to view the European and Asiatic rehabilitation problem as a geographical and economic whole, and to present it as a whole to the American people will have most unhappy results. If we proceed, as we are now doing, to undertake the job in a piecemeal fashion—piecemeal legislation and appropriations, requested piecemeal, enabling piecemeal agencies working in the field to rehabilitate Europe piecemeal, always in conflict with other piecemeal machinery, we shall bitterly regret it. For in our ignorance of the whole picture, we are then bound to be too generous here, too stingy there; we will promise more than we can deliver in one field, deliver more than is needed in another; we will not undertake what we could do in one country, or field, we will undertake more than we can do in others; we will demand repayment from those who cannot pay, and gratitude from those to whom we should be grateful; we will give charity to those who could help themselves, but withhold it from those who cannot. And in the end we will be called Uncle Shylock abroad and Uncle Sap at home, and we shall deserve both names.

Let us agree on the proposition that we must rehabilitate Europe insofar as the American taxpayer can afford it, and our resources will stand it, and then let us ask our Government to give us a clear, coherent picture of the size, cost, and nature of that whole job, and its over-all rehabilitation machinery and policy for attacking it.

I should like to say that personally I would put the whole clothing and medical question for at least 1 year in the category of Government charity, and I should give it priority over every other rehabilitation project. I would also make it a strongly expressed national policy that American food, marked American, and dispensed entirely by American agents or agencies, should go first into the mouths of European babies, adolescents, and pregnant women, regardless of their nationality. Save the children today is the best way to save Europe tomorrow.

Mr. HOFFMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. LUCE. I yield.

Mr. HOFFMAN. Would the gentlewoman consolidate the United States Tariff Commission with the Lend-Lease Administration?

Mrs. LUCE. I do not know about the technicalities of this particular amendment, nor am I addressing myself to those technicalities; I am addressing myself to the intent of this amendment which is altogether in the right direction and which would save the United States billions of dollars.

Mr. WHITTINGTON. Mr. Chairman, will the gentlewoman yield?

Mrs. LUCE. I yield.

Mr. WHITTINGTON. If it is the purpose of this amendment to consolidate these temporary war agencies would it not be better that they be consolidated under the War Powers Act than to make them a permanent institution of the Government?

Mrs. LUCE. I repeat, I am not addressing myself to the technicalities which this amendment raises—because this morning is the first time I heard it read, and I have not studied these technicalities as you gentlemen have—but to its intent which is altogether along the right lines. Until the American people know how much they are going to be asked to give, to risk, or to invest in Europe, they will not know how big that whole job is and what is expected of them.

I believe that passage of this amendment would provide a method and a procedure by which the Congress and the people could be presented with a true picture of Europe's rehabilitation needs, and that such an analysis of what Europe needs and must have from us can only be made by some such coordinating agency as this amendment proposes.

Mr. VORYS of Ohio. Mr. Chairman, will the gentlewoman yield?

Mrs. LUCE. Gladly.

Mr. VORYS of Ohio. For the past 12 years we have seen that whenever the administration failed to do a job with existing departments it created new agencies. I will admit that we have no over-all picture now, but does the gentlewoman suggest that because the administration has failed to present this over-all picture it should create a new agency?

Mrs. LUCE. I listened to the gentleman speak some minutes ago and it seemed to me that both he and the gentleman from Illinois desired greatly a coordinating agency but they merely took issue with one another on questions of method.

The CHAIRMAN. The time of the gentlewoman from Connecticut has expired.

Mrs. LUCE. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Mrs. LUCE. The point I am trying to make is that our failure to view this European and Asiatic rehabilitation problem as a geographic and economic

whole and to present it through some such coordinating agency as envisaged by this amendment to the American people, will cost this country billions of dollars.

Let us take this question of a British loan, for example. We know that the Russians also want a loan. Such a coordinating agency as this could wait until every nation had put in its demand for a loan. Then the agency could pass on the total bill for those loans.

Mr. HALLECK. Mr. Chairman, will the gentlewoman yield?

Mrs. LUCE. I yield to the gentleman from Indiana.

Mr. HALLECK. I agree with the expression of the gentlewoman's viewpoint as to the intent here involved. I think there should be a consolidation not only of these agencies but of many other agencies that I could name. But here is the thing that disturbs me: The underlying philosophy of this bill is that because of a lethargy in Congress to do these things, we are transferring the initiative to the Executive. This amendment, as I read it and understand it, undertakes to assume for us the initiative in respect to these particular agencies. Possibly we should not go to the philosophy of this bill, although we seem committed to it. How can we explain, if we mandate this sort of consolidation, not mandating consolidations in many other fields and among many other agencies?

Mrs. LUCE. I doubt if the people of the United States will demand much explanation from this Congress on the philosophy of any bill providing that the intent of the bill is sound and that it saves the taxpayer millions, as the passage of this amendment can very well do.

Mr. DIRKSEN. Mr. Chairman, will the gentlewoman yield?

Mrs. LUCE. I yield to the gentleman from Illinois.

Mr. DIRKSEN. Congress is the steward of the purse under the Constitution. We can diminish and cut down or can mandate the President, which is exactly what we are doing in general terms now. That is what we propose to do here, in the interest of economy and efficiency, give him a specific mandate with respect to consolidation of these functions that relate to foreign countries and to bring all the eggs into one basket.

Mrs. LUCE. I believe I am right in saying that even if this amendment is defeated, it suggests a procedure concerning the rehabilitation of Europe which is exactly what the President should and must do if we intend to rehabilitate Europe, without busting the United States of America.

Mr. SMITH of Ohio. Mr. Chairman, will the gentlewoman yield?

Mrs. LUCE. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. Can the gentlewoman point out specifically where we could save billions of dollars?

Mrs. LUCE. Let us take one example that may perhaps be multiplied by a thousandfold in the rehabilitation of Europe. We know now that Europe is starving. Let us take Italy, where the people are suffering greatly in many of the great cities. We decide under

UNRRA to send so many shiploads of food to Italy. But it may very well be that what is needed in Italy is one shipload of food and two shiploads of plows and trucks, in order to provide means by which Italians may grow their own food and send it to market. By coordinating and analyzing the actual needs of Italy, its food needs, its material needs and so on under one agency, instead of having many scattered agencies at home and in the field often working at cross purposes in deciding priorities for fuel, transportation, food, clothing, money, and so on, there would certainly be a great saving to the United States on the total rehabilitation bill for Italy.

The CHAIRMAN. The time of the gentlewoman from Connecticut has expired.

Mr. MANASCO. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. THOM].

Mr. THOM. Mr. Chairman, the purpose of the Dirksen amendment, among other things, is to coordinate and consolidate the financial institutions of this country operated by the Government which deal with the subject of foreign loans and exchange problems. In order to carry out this purpose it is proposed that institutions created by the Bretton Woods agreement should be consolidated with other relief agencies and bureaus which deal with foreign matters. We have already achieved coordination so far as financial institutions are concerned. Let me read from the enabling act that sets up the International Monetary Fund and the International Bank:

In order to coordinate the policies and operations of the representatives of the United States on the Fund and the Bank and of all agencies of the Government which make or participate in making foreign loans or which engage in foreign financial, exchange, or monetary transactions, there is hereby established the National Advisory Council on International Monetary and Financial Problems.

This council is to consist of representatives of United States departments interested in financial and foreign problems.

So we now have the machinery by which each agency of the Government knows what other agencies are doing in the matter of extending loans, and we have now on the statute books plain authorization to coordinate these lending policies.

Furthermore, both the Stabilization Fund and the International Bank are operated and managed by governors and directors representing all of the many countries that are contributing to their capital stock. Tell me how you could divorce any of the duties of the Bank or the Stabilization Fund and transfer them to this new bureau which the gentleman from Illinois expects to set up? It seems to me entirely impracticable, because we appoint governors and directors who are the voice of the United States in these two financial institutions, and there is no

possible way by which any of the powers could be transferred in any way to a new bureau or department such as the gentleman from Illinois undertakes to establish. I think that is conclusive evidence that we have accomplished one of the main purposes of the Dirksen amendment, and therefore I shall vote against it.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Chairman, the concern with which this amendment has been accepted mentally by the members of the committee as well as other Members of the House is conclusive evidence to me that in the minds of scores of the Members of this body they wonder what we head into with respect to all these foreign relationships.

I am not so much concerned about the 5 percent of administrative expense or about the billions that might be saved by reason of a consolidation. What worries me and what concerns me is the effect of these international relationships on the economy of our people industrially speaking and agriculturally speaking.

If you will let me go on and earn, produce, year in and year out, I will pay you \$1,000 a year over a period of 5, 10, 15, 20, or 50 years but if you create a situation wherein I can earn for only 1 year you will not get anything from me the second year, the third year, or the tenth year, or the twentieth year.

Unfortunately, we have so many activities the nature of which has been referred to by this amendment going on that no man in basic industry in this country today has any idea where he is going to be 6, 12, 18, or 24 months from now.

The Dirksen amendment moves in the direction of giving us some kind of an answer to that question, but this question cannot be satisfactorily answered. I am not a member of the Committee on Foreign Affairs or of any other committees than the Committee on Banking and Currency and the Committee on Insular Affairs, which touches on some of this foreign entanglement question, so I am not an expert on this matter, but I say to you in all sincerity that you cannot go out today and make an international agreement between the United States and Britain or between the United States and any other country or between all of the countries together for a period of more than 1, or 2, or 3 years that is worth 5 cents. Your long-term agreements become short-term agreements automatically because you have no foundation upon which to stand on a long-term basis. That applies to trade, it applies to finance, it applies to credit extension, whether to Britain, Russia, China, or whatever the country may be. That is a terrible thing for anyone the nature of whose business is such that he must make long-term commitments.

I know the Dirksen amendment is not going to be adopted, as sympathetic as I am with its objectives. This is too big a question for us to settle on the floor with any 30 or 40 minutes of discussion, coming into a bill of this kind. But I do hope that the members of these

various committees, together with the executive branch of the Government, will pay some attention to this debate on the Dirksen amendment here today and look forward to giving the people of this country the best answer that can be given under the complicated conditions under which we live today.

The people in my district are now beginning to wonder how much further they should go in the purchase of Government bonds, because they no longer understand what the Treasury does with the dollars that the Treasury receives from the sale of those bonds. The objective of this amendment, as I comprehend it, is to give those people a better answer to the questions that are in their minds. As the gentlewoman from Connecticut has pointed out to us, they are entitled to know more about the direction in which we are going. So I trust that as we move on into the fog banks ahead of us with respect to these international agreements a great deal of attention will be given to the principle involved here.

The CHAIRMAN. The time of the gentleman from Michigan has expired. All time has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. DIRKSEN].

The amendment was rejected.

The Clerk read as follows:

LIMITATIONS ON POWERS WITH RESPECT TO REORGANIZATIONS

SEC. 5. (a) No reorganization plan shall provide for, and no reorganization under this act shall have the effect of—

(1) abolishing or transferring an executive department or all the functions thereof or establishing any new executive department; or

(2) changing the name of any executive department or the title of its head, or designating any agency as "Department" or its head as "Secretary"; or

(3) continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made; or

(4) continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been made; or beyond the time when the agency in which it was vested before the reorganization would have terminated if the reorganization had not been made; or

(5) authorizing any agency to exercise any function which is not expressly authorized by law.

(b) No reorganization plan shall provide for any reorganization affecting any agency named below in this subsection; except that this prohibition shall not apply to the transfer to such agency of the whole or any part of, or the whole or any part of the functions of, any agency not so named. No reorganization contained in any reorganization plan shall take effect if the reorganization plan is in violation of this subsection. The agencies above referred to in this subsection are as follows: Interstate Commerce Commission, Federal Trade Commission, and Securities and Exchange Commission.

(c) No reorganization plan shall provide for a reorganization affecting any agency named below in this subsection if it also provides for a reorganization which does not affect such agency; except that this prohibition shall not apply to the transfer to such agency of the whole or any part of, or the whole or any part of the functions of, any agency not so named. No reorganiza-

tion contained in any reorganization plan shall take effect if the reorganization plan is in violation of this subsection. The agencies above referred to in this subsection are as follows: Civil Service Commission, Federal Communications Commission, United States Tariff Commission, and Veterans' Administration.

(d) No reorganization plan shall provide for any reorganization which abolishes any civil function of the Engineer Corps of the United States Army, or of its head, or which vests any such civil function in any agency which is not within the control and jurisdiction of the Department of War, if such reorganization plan also provides for any reorganization not referred to above in this subsection; but this prohibition shall not apply to the transfer to such corps of the whole or any part of, or the whole or any part of the functions of, any other agency. No reorganization contained in any reorganization plan shall take effect if the reorganization plan is in violation of this subsection.

(e) No reorganization specified in a reorganization plan shall take effect unless the plan is transmitted to the Congress before July 1, 1948.

Mr. MANASCÓ. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Amendment offered by Mr. MANASCÓ as a committee amendment: On page 7, line 24, after the words "Federal Communications Commission", insert "Federal Deposit Insurance Corporation."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The gentleman from Ohio [Mr. CROSSER] is recognized.

Mr. CROSSER. Mr. Chairman, I offer an amendment.

Mr. CHURCH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CHURCH. Mr. Chairman, is it not the custom to recognize a member of the committee? The gentleman from West Virginia [Mr. RANDOLPH] was seeking recognition.

The CHAIRMAN. The Chair did not see the gentleman from West Virginia until after he had recognized the gentleman from Ohio.

Mr. RANDOLPH. Mr. Chairman, I am delighted to have the gentleman from Ohio precede me.

The Clerk read as follows:

Amendment offered by Mr. CROSSER: On page 7, after the period in line 13, insert the following:

"No reorganization plan shall affect any provision of the Railroad Retirement Acts, as amended, or of subchapter B of chapter 9 of the Internal Revenue Code, as amended, or of the Railroad Unemployment Insurance Act, as amended, or of the Railway Labor Act, as amended; nor shall any such plan affect any agency functioning pursuant to or any function being performed pursuant to any of such acts except functions of the Bureau of Internal Revenue not related to subchapter B of chapter 9 of the Internal Revenue Code."

Mr. CROSSER. Mr. Chairman, the purpose of this amendment is perfectly clear. The Railroad Retirement System, and the Railway Labor Act, which was passed for the settlement of disputes between the railways and their employees, and that part of the Internal Revenue Code that is necessary for the

functioning of the Railroad Retirement System were all enacted after long and serious efforts. We regard them as completely separate and distinct institutions. The railroad industry generally has always been regulated by laws applying solely and exclusively to the railroad industry. So it was in the case of the Railroad Retirement System, the National Mediation Board, and the National Railroad Adjustment Board. While it is true that the railroads are owned by many different groups, nevertheless they are operated practically as a unit. Necessarily so. Therefore, to even think of jeopardizing the retirement system and the labor disputes settlement systems which you have established, by making it possible to merge them with other institutions which have not been satisfactory, would be a very great shock to the railroad men of the country and to the railroad industry generally.

Let me call attention to the fact that under the Railroad Retirement Act the men and the railroads pay the total cost of retirements. Therefore, the Government itself has not any liability, as far as the payment of retirement benefits is concerned. The Railroad Mediation Board has been extolled throughout the whole country by the press and civic leaders as the best plan for maintaining industrial peace thus far established. It would be foolhardy, therefore, and dangerous to make these agencies subject to reorganization and consolidation as is provided in the pending bill.

I therefore earnestly urge the House to adopt the amendment which I have offered. We not only refer to the boards but also to the functions. There is no use preserving a board if you abolish its functions, and we protest vigorously against such a proposal.

Mr. KUNKEL. Mr. Chairman, will the gentleman yield?

Mr. CROSSER. I yield.

Mr. KUNKEL. I certainly agree with the gentleman in offering his amendment. I think it would be nothing short of a catastrophe if the Railroad Retirement Board and the Railroad Mediation Board should be transferred to any other Department of the Government.

Mr. CROSSER. There is no doubt about it.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. CROSSER] has expired.

Mr. HALLECK. Mr. Chairman, I offer an amendment as a substitute for the Crosser amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. HALLECK as a substitute for the amendment offered by Mr. CROSSER: On page 7, line 13, after the words "Exchange Commission", strike out the period and add "Civil Service Commission, Federal Communications Commission, Federal Deposit Insurance Corporation, Federal Power Commission, Maritime Commission, National Mediation Board and National Railroad Adjustment Board, Railroad Retirement Board, and Tariff Commission."

Mr. WHITTINGTON. Mr. Chairman, I make the point of order against the amendment that it is not germane to the pending amendment.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. WHITTINGTON. I do not, Mr. Chairman.

The CHAIRMAN. The Chair is of the opinion that the amendment is germane, and overrules the point of order.

The gentleman from Indiana [Mr. HALLECK] is recognized for 5 minutes in support of his amendment.

Mr. HALLECK. Mr. Chairman, this is the amendment about which I talked at considerable length yesterday. You will note from a reading of my substitute that it includes the three railroad organizations or agencies that are included in the amendment offered by the gentleman from Ohio [Mr. CROSSER]. It is obvious, from the inclusion of those agencies in my amendment, that I approve of his view, and stand with him in his view that those agencies should be exempted from the provisions of this act.

My amendment simply does this: Three agencies of the Government, the Securities and Exchange Commission, Interstate Commerce Commission, and Federal Trade Commission have been excluded from the operations of this Act, except as functions may be transferred to them. I take it that the committee found good and sufficient reason for that exemption.

My amendment simply seeks to extend that same exemption to these eight other agencies, eight other independent, quasi-judicial, quasi-legislative agencies of the Government answerable to Congress, created by the Congress, the reasons for the exemption of which I challenge anyone to distinguish from the reasons of the Committee in exempting the three they did exempt. Today with the Committee amendment they have gone part way with the FDIC by including it in that list of agencies for which a separate program must be submitted. But, as I said yesterday, that is not exemption in truth and fact and is not the safeguard that the Congress of the United States should put around this transfer of legislative power to the Executive Branch.

These agencies I seek to include are bipartisan, they are the creatures of Congress, they act for us and in our stead; they issue regulations that have the effect of law; they adjudicate cases affecting the rights of individuals which decisions, once they are made are final on the facts on court review. Those agencies, as I say, are independent. What I am trying to do is to see to it that under the provisions of this act we do not make it possible to destroy their independence and subject them to political control and domination. I believe few will disagree with me as to the desirability of maintaining the independent status of these agencies. As I pointed out yesterday the sum total of the employees of these agencies is a little over 23,000. We have over 3,000,000 in the service. No one can say that this interferes with any needed reorganization.

The best arguments for this amendment of mine were voiced by the then Senator Truman when he was in the Senate of the United States discussing the reorganization plan which destroyed the independence of the CAA and trans-

ferred it to the Department of Commerce. I quoted him at length yesterday and wish I had the time to quote him again today because to me, as I say, his arguments are impressive and persuasive. I just wish I could believe he holds those same views today.

Some say that it is unthinkable that the sort of authority granted in this bill would be used to destroy these independent agencies. When we enacted the reorganization bill of 1938, 21 agencies were exempted. They were thereby protected.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HALLECK. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. One regulatory agency, the agency that regulates air travel even as the ICC regulates surface travel was not exempted from the provisions of that bill. We were told by the proponents of that legislation that it was unthinkable that an agency like that would be interfered with, and yet the very thing that they said would not come to pass did come to pass, and the CAA, with the Air Safety Board destroyed, was transferred to the Department of Commerce where it now is under a situation of divided responsibility, where that great independent agency is subject to the super-imposed judgment, the super-imposed layer of authority of the Department of Commerce. So it did happen here. I do not want to see it happen to these agencies and you should not want to see it happen to these agencies.

It may be urged further that there is no intention to interfere with any of these independent agencies of the Government that I have named. If the committee had felt confident in that assumption it would not have exempted three.

But there is another strange thing that is happening. Senator Truman was for CAA as an independent agency of the Government. Today the Bureau of the Budget, speaking for him, says that he is for the CAA in the Department of Commerce where it is not an independent agency of the Government. That report was made on a bill offered by me to recreate the CAA as an independent branch of the Government.

Mr. Chairman, if we could depend upon the continuing retention of attitude, the viewpoint, the conviction, the deep principle expressed by the Senator from Missouri, then likely it might be said this exemption is not necessary. But we cannot depend upon the retention of those powers in the face of the fact that apparently this broad power is being demanded by the President and those who surround him, yes, and because of the very definite fact that he has reversed his viewpoint on the fundamental proposition involved when he says as of today the CAA should not be an independent agency of the Government.

I would be perfectly happy to rest my case for this amendment on the arguments and persuasions stated by the

then Senator Truman as he debated the matter in the Senate. The responsibility is now ours, because now is the time we can do something about it—later on, likely we cannot do anything about it. I say that this amendment ought to be adopted.

Let no one say that I am undertaking to protect any pet agency. I have included eight, because they should be included, not for the purpose of garnering votes. I could think of a lot more I could put in for that latter purpose. I am putting these agencies in here, because every one of them deserves the same treatment. If one of them is to be included, all of them ought to be included. The gentleman from Ohio makes his argument for exemption of the railroad organizations, but I hope he will stand with me in extending this same exemption to these other agencies that are in exactly the same category.

I understand an amendment will be offered specifically as to the Maritime Commission. If the Maritime Commission exemption is to be supported by Members of this body, then I say in all consistency and as a matter of principle they ought to stand for this amendment of mine.

Now, here is what we get down to in a nutshell. We do not want these agencies subjected to political control. The way to do this is to adopt my amendment.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. COCHRAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the committee might just as well understand that this section is going to determine whether we are going to have a real reorganization of the Executive branch of the Government. I stated yesterday when the gentleman from Indiana made his remarks that he should approach this matter fearlessly and offer amendments, not an amendment. The gentleman from Ohio [Mr. CROSSER] offered an amendment. The gentleman from Indiana offers an amendment to that amendment and he includes in his amendment the very agency that the gentleman from Ohio [Mr. CROSSER] included. Why? He seeks the votes of those favoring the amendment of the gentleman from Ohio. The same applies to friends of the Maritime Commission and other agencies he mentions. What he is doing is this: If you read the amendment you will find that he is preventing the President of the United States from touching eight agencies. The gentleman's speeches show he is more interested in the Civil Aeronautic Authority than any other agency.

Mr. HALLECK. Mr. Chairman, will the gentleman yield for a correction?

Mr. COCHRAN. I refuse to yield. I need my time. This is an important amendment.

We have a situation where the President of the United States has asked us to pass a reorganization bill. Your committee has worked hard on this bill, and has brought in an excellent bill. It does not contain all the President asked for but it is a good bill. It was unanimously

reported by the committee with a reservation or two by one or two members.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. The gentleman is a member of the committee, and if I made a misstatement I stand corrected.

Mr. CHURCH. Is it not a fact that some members did make reservation?

Mr. COCHRAN. I said with a reservation or two by some members of the committee, so I did not make a misstatement.

The committee, over my objection, offered a committee amendment taking care of the Federal Deposit Insurance Corporation. I objected to that for this reason: Because we have the Federal Reserve Board examining banks, we have the Comptroller of the Currency examining banks, we have the Federal Deposit Insurance Corporation examining banks, and we have the Reconstruction Finance Corporation examining banks. Assume that there is a duplication of examination, do you want different sets of examiners from three or four agencies running into banks and bothering them? If it is found that there is duplication, the President can, under the terms of the bill, consolidate the bank-examining activities.

What brought about the opposition of the Federal Deposit Insurance Corporation was this: It so happens that the Federal Reserve Board, in replying to the committee for an expression of views, wrote to the committee and said that it did not want to be exempted in this bill.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. COCHRAN. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. CASE of South Dakota. Mr. Chairman, reserving the right to object, would the gentleman permit me to call his attention to the fact that the Civil Aeronautics Board is not included in the gentleman's amendment and is not frozen in the Department of Commerce if the gentleman's amendment is adopted? It does not refer to the Department of Commerce. The boards which it adds to the exemptions proposed by the bill are these: Civil Service Commission, Federal Communications Commission, Federal Deposit Insurance Corporation, Federal Power Commission, Maritime Commission, National Mediation Board, National Railroad Adjustment Board, Railroad Retirement Board, and the Tariff Commission. Civil Aeronautics is not frozen in the Department of Commerce.

I stand corrected if I made a misstatement.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. I did not hear the amendment read, tried to get it, but someone else had it. I thank the gentleman, but most of the gentleman's speech yesterday was devoted to the Civil Aeronautics Authority and the greater part of his speech today was devoted to the Civil

Aeronautics Authority and what the President had said when he was in the Senate.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. No, I do not yield.

We are confronted with a demand from the people all over the United States, in every walk of life, businessmen, professional men all the taxpayers, demanding that we set our houses in order. When I say "houses" I mean the executive branch and the legislative branch as well. There never was such a demand for reorganization as there is today in this country.

I receive just as much mail as any man in this House, and I come from a great city, St. Louis. I know when my people are not writing me in opposition to this bill or making any suggestions in regard to it that they want it, because if they were opposed to it they would notify me and would offer such suggestions as they might have in mind. But as I said yesterday, up to this moment not one letter has come from the city of St. Louis to me in opposition to this bill.

The gentleman has offered this amendment in such a way that if it is adopted the President is frozen from touching these agencies except as he transfers to these agencies additional functions. He can take nothing whatsoever away from them.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I am sorry I need my time. The gentleman is a member of the committee and can get recognized as soon as I get through.

That is just what the gentleman from Indiana has done. He tells the President, "You can take nothing from these agencies but you can add to these agencies." He did not offer his amendment to the next paragraph of the bill, where the President is given the power to send down a plan individually, not included in any other plan, a reorganization suggestion concerning one of these agencies, but he freezes the agencies entirely and tells the President, "reorganize your executive branch of the Government, but you let these agencies alone regardless of whether they should be reorganized or not."

The question confronting us is, do we want a reorganization bill or do we not want a reorganization bill. The defeat of this amendment and other amendments exempting agencies will guarantee that the President will have an opportunity to reorganize the executive branch, and if he does not do it the responsibility is his and not ours. He tells us that he is willing to accept this responsibility and appeals to us, not once but twice, for the authority to reorganize. As everyone knows, the Congress should do the job but as everyone also knows the Congress never has, nor never will do the job. It is hard enough to get a reorganization bill passed giving the President the authority but I say it is impossible to get both Houses to agree to a reorganization of the executive branch of the Government and I do not think anyone will contradict that statement. Therefore, in this legislation we delegate

to the President the power to clean his own house to make it more efficient, to reduce expenditures, to eliminate unnecessary employees, to stop duplication and overlapping. Who is the man or woman that will say this is not necessary? Therefore, Mr. Chairman, I hope this House will pass this bill as the committee reported it. By all means we should defeat such amendments as the amendment now pending offered by the gentleman from Indiana [Mr. HALLECK].

Mr. VURSELL. Mr. Chairman, I move to strike out the last word.

(Mr. VURSELL asked and was given permission to revise and extend his remarks.)

Mr. VURSELL. Mr. Chairman, I am supporting the amendment to the amendment, and if that fails I shall support the original amendment offered by the gentleman from Ohio. I am in favor of excluding various agencies from the bill, but at this time I want to direct my remarks particularly to the railway labor agencies that are affected.

Mr. Chairman, this bill, unless we amend it, will doubtless work a hardship on a great many railroad men throughout the country.

I want to see it amended in order to protect the interests of the railroadmen in my district and throughout the Nation and may I say to the Members of the House that 15 of the railway labor organizations, from the Brotherhood of Locomotive Firemen and Enginemen down to the maintenance of way employees want this bill amended in order to protect their present status and rights.

Consequently, I am in favor of the amendment offered by our distinguished colleague the gentleman from Ohio, ROBERT CROSSER, to exempt from the provisions of the reorganization bill, H. R. 4129, the National Mediation Board and the National Railroad Adjustment Board, both of which agencies were created by and function under the Railway Labor Act and the Railroad Retirement Board, which was created by the Railroad Retirement Act and is charged with the responsibility of administering that act. These three agencies perform services of great importance to the railroad industry and to the public. Therefore, in my judgment the railroad employees have a vital interest in their unimpaired functioning under the carefully considered laws which created them.

The collective bargaining and labor relations machinery established by the amended Railway Labor Act adopted in 1934 is very frequently cited by Members of Congress and many others as being a sound and tested method of maintaining industrial peace in the railroad industry, which is one of the country's most important industries. The amended Railway Labor Act created the National Mediation Board and established its duties and functions. It also created the National Railroad Adjustment Board as a necessary means for the peaceful adjustment or adjudication of types of labor disputes not assigned by the law to the jurisdiction of the Mediation Board.

These two agencies were deliberately established as separate and independent bodies to deal with specialized and technical labor problems in the railway industry. There were good reasons for this action when the amended Railway Labor Act was enacted and those reasons are still valid. Therefore, the Congress should not permit the merger or transfer of agencies such as the National Mediation Board and the National Railroad Adjustment Board, which have functioned so effectively since their inception.

The Railroad Retirement Board should without question be exempted from the provisions of H. R. 4129. The Railroad Retirement Act and the Railroad Unemployment Insurance Act, both of which are administered by the Railroad Retirement Board, provide for systems of Nation-wide and uniform annuity and unemployment benefits for railway employees. These systems require, if they are to continue to serve the purpose of Congress when the laws were enacted, that the Board be protected in its present status as a separate and independent agency and that none of its duties, functions or responsibilities be discontinued or transferred to any other agency.

The benefits paid to railroad employees by the Board through the operation of the Railroad Retirement Act and the cost of administration are borne from funds paid by the employees and by the carriers as provided in the Carriers' Taxing Act. The Government does not contribute to these costs. The Retirement Board is doing an excellent job. Therefore, it should not be interfered with in any way by any planning or consideration of any possible merger with another agency or any discontinuing of any of its functions. I, therefore, trust that the amendment offered by the gentleman from Ohio [Congressman CROSSER] will pass by an overwhelming majority.

I hope that the amendment now before the House, and the Crosser amendment, will also have a majority vote of the Committee.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HAVENNER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, Congress has delegated its legislative authority to fix the rates and regulate the services of public utility companies engaged in interstate commerce to four major commissions. These are the Interstate Commerce Commission in the field of surface transportation; the Federal Power Commission in the field of light, heat, and power; the Federal Communications Commission in the whole field of communications with the exception of the Postal Service; and the Securities and Exchange Commission in the field of financing of all companies engaged in interstate commerce. This bill proposes to exempt from reorganization two of those four regulatory agencies. It does extend, as the gentleman from Indiana has said, a left-handed, partial, and wholly unsatisfactory species of exemption to the Federal Communications Commission in a subsequent paragraph.

But the Federal Power Commission is not treated at all in this bill in any ex-

empt capacity. I have asked members of the committee to explain why all four of these important regulatory agencies have not been treated alike. Their powers and duties in their respective fields of jurisdiction are virtually identical. The services which they regulate are indispensable in modern American life and reach into the homes and the daily lives and the pocketbooks of every American citizen. What is the reason for differentiating between them in this bill? To this question I have been unable to obtain any answer except that the committee desires to exempt as few agencies as possible.

This, of course, is not an adequate explanation of the clear discrimination between agencies which the Congress has authorized to regulate public utility service for the people of America.

If this bill is passed in its present form, the plain inference will be that the House of Representatives believes that two regulatory bodies should be entirely exempt, one other should be partially exempt, and that the Federal Power Commission should not be exempt at all. If the committee in charge of the bill does not see fit to correct this discrimination, I shall vote for the amendment offered by the gentleman from Indiana [Mr. HALLECK], because I believe that proper regulation of public utility service in the fields of light, heat, power, and communications is of vital importance to all of the American people, should be independently administered and should not be subject to bureaucratic control.

I served as a member of the State railroad commission in California, and for a time was chairman of that board, which has regulatory jurisdiction over all the privately owned public utilities in that State. I speak from an abundant experience when I say that the problem of regulating electric light, power, telephone and telegraph service, and radio for the benefit of all of our people is just as important today and will be just as important in the future as the regulation of surface transportation.

The CHAIRMAN. The time of the gentleman from California [Mr. HAVENNER] has expired.

Mr. SMITH of Ohio. Mr. Chairman, I move to strike out the last three words.

(Mr. SMITH of Ohio asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Ohio. Mr. Chairman, I am heartily in favor of the amendment the gentleman from Ohio [Mr. CROSSER] is offering to H. R. 4129, a bill to provide for reorganizing agencies of the Government. This amendment exempts the Railroad Retirement Act, Railroad Unemployment Insurance Act, the Railway Labor Act, and all functions related to these acts from the reorganization powers granted the Chief Executive. I firmly believe if an amendment such as proposed now had been adopted in 1939 specifically exempting these railway agencies from the 1939 Reorganization Act, the railway labor wage dispute in 1943, that involved the 15 cooperating railway labor organizations, would have been avoided and instead the wage question would have been

peacefully worked out under the provisions of the Railway Labor Act. There is no question that the President precipitated the threatened strike which would have paralyzed our industry at the height of our war effort through his arbitrary acts and Executive orders. You all recall this wage dispute was progressing in accordance with the provisions of the Railway Labor Act and to the satisfaction of both carrier and employee. After the emergency board, however, had been appointed in accordance with the Railway Labor Act and it had rendered its report, the President stepped in and began issuing Executive orders, creating additional labor panels, advisory boards and enlisting the services of an Economic Stabilizer before the increase resulting from the Emergency Board's decision could be put into effect. This amendment, I am convinced, will prevent a recurrence of that situation insofar as railway wage disputes are concerned and will prevent a President from again ignoring provisions of the Railway Labor Act which have operated so satisfactorily for nearly 20 years and has served as a pattern for the settlement of labor disputes other than those involving railway workers.

[Mr. ROBSION of Kentucky addressed the Committee. His remarks will appear hereafter in the Appendix.]

(Mr. ROBSION of Kentucky asked and was given permission to revise and extend his remarks.)

Mr. PATRICK. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, I rise in support of the Crosser amendment. I regret that the able gentleman from Indiana has seen fit to spread his amendment onto the Crosser amendment. I was deeply impressed by the case he made yesterday and have been studying the implications of his amendment ever since, and have reached a conclusion. If we are going to deal with these authorities and agencies fairly, instead of sacking them together and throwing them all in, labeling one with inefficiency or an unhappy situation that attaches to another, we may do harm. Each should clear the hurdle on its own merits. Each should be presented by separate amendment. I think that is the only way to handle it, unless each presents such a clear case that no attack can be made on the legislation. This is not such a case. One might clear and another might not.

The Railroad Retirement Act as amended stands today as a structure that has grown up through the years. Railroad legislation in this body should relate to this natural structure. There is nothing more American in this country than our railroad legislation and the development it has made. It is an institution unto itself. The great fights that have been had between railroad employees and railroad employers have been greatly resolved until it has reached a point of some security and it should not be bundled pell mell into this proposed act. I do not want to see it now drawn in under this legislation, as could very easily be done, and made a part of our general labor curiosity shop that has to be tackled from so many angles. I

think therein lies the danger. The Railroad Retirement Act as amended is one of the most impressive, one of the most healthy legislative growths that our country has seen. Many others do not stand on the same footing. They are not the same age, they have not reached the same security of development, their ramifications have not been investigated and they have not gone through the same course of trial and error through the years.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. PATRICK. I am afraid that the gentleman could not add anything.

Mr. HOFFMAN. I do not think I could either, but I wanted to ask the gentleman something for information.

Mr. PATRICK. Mr. Chairman, I am supporting with all the strength I have the amendment offered by the gentleman from Ohio, and I hope the Crosser amendment is not burdened down like a kite with too heavy a tail by other amendments and by the opposition that could come because of those who hope to get the advantage of its secure position to get through what they wish.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. WHITTINGTON. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 37 minutes, the last 7 minutes to be reserved to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. GEARHART].

Mr. GEARHART. Mr. Chairman, the agencies which the gentleman from Ohio [Mr. CROSSER] would exempt will be exempted in the event of the adoption of the amendment now under consideration. The agencies of Government that he would exempt are also named in the amendment offered by the gentleman from Indiana [Mr. HALLECK]. So if you adopt the amendment offered by the gentleman from Indiana, you will also be approving by your action that which the gentleman from Ohio [Mr. CROSSER] is urging upon us.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. GEARHART. I yield to the gentleman from Indiana.

Mr. HALLECK. Will not the gentleman agree with me that the arguments for the exemption of the agencies included in the Crosser amendment apply with equal force to the agencies otherwise included in my amendment?

Mr. GEARHART. The gentleman's point is well taken. He is precisely correct. If any agency of the Government should be exempted, each of the eight agencies which are included in the amendment offered by the gentleman from Indiana should also be exempted, and for precisely the same reason.

Each one of the agencies that is named in the Halleck amendment could find a defender on this floor. Time forbids my discussing more than one. That one, I, as a member of the Ways and Means

Committee, am particularly interested in, one which, I am sure you will agree with me, should be protected in its independent character. The independent agency to which I refer is the United States Tariff Commission. The United States Tariff Commission is a nonpolitical, nonpartisan, non-policy-making agency of Government; independent of Executive control and free from all improper influences. It is utterly impartial in its attitudes, beholden to no man, party, or pressure group. It is merely a fact-finding, statistic-gathering agency with no cause to serve, no master to obey, no party policies to promote.

If it is to become subject to reorganization; to being moved around at Presidential will, it will cease to be a nonpolitical organization and become a political agency; it will cease to be a nonpartisan agency and become a partisan agency; it will cease to be a nonpolicy-making agency and become a part of the policy-executing forces of the administration that happens to be at the moment in power.

There is no such thing as Republican statistics, there is no such thing as Democratic statistics, there is no such thing as partisanship in fact-finding. There is only one truth, and that is neither Republican nor Democratic. But truth can be perverted. That is the danger which the Halleck amendment would avoid.

The entire country has tremendous faith and confidence in the Tariff Commission of the United States. People of all political complexions apply to it for information and when that information is supplied it is information upon which everyone can place and do place complete reliance. Failure to exempt this independent agency from this bill will cast a shadow of suspicion over its now admitted disinterestedness. It will mark the beginning of the end of public confidence in its findings and reports.

I know there are people here who believe in the so-called reciprocal trade agreements program, but there is no one in this chamber, whether he be of the majority or of the minority, who will even pretend that it is in its administration a nonpolitical program or a nonpartisan program or a nonpolicy-making program. If the United States Tariff Commission, as a consequence of reorganization, become a part of the Executive branch, attached, for instance, to the State Department it will have become an integral part of the administration at the moment in power, a partisan agency, thereafter executing party policy. That must not be. As long as the Tariff Commission is not a part of an administration, is not tied to the chariot wheel of party politics it will continue to retain the confidence of the people, still remain a source of information to which they can go for impartial statistics, a place to which they may look for impartially collected facts. That implicit confidence in this highly respected fact-finding, statistic gathering governmental organizing must not be placed in jeopardy.

I ask you, Mr. Chairman, will you have the same confidence in the Tariff Commission that you now have and that you have even had in the days gone by if this now independent arm of the Gov-

ernment is reorganized as a subservient agency of the Executive branch of the Government?

You know and I know that those who favor the reciprocal trade agreements program will be sorely tempted to take the Tariff Commission over to the State Department and reduce it to its mere function, a mere appendage of that agency which negotiates, by delegation of the Chief Executive, our reciprocal trade agreements. Let us keep the Tariff Commission free, let us keep it independent, let us save it from destruction by adopting the amendment which has been offered by the gentleman from Indiana [Mr. HALLECK].

It deserves a favorable consideration.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, from 8 years' experience in the administration of the affairs of the auditor's office of my home State of West Virginia, and from 4 more years as director of the State budget, I feel that I can lay a modest claim to having some knowledge of the basic principles of governmental finance. I have learned, among many other things, that a trusteeship once accepted on a trust fund is a sacred obligation.

In addressing my remarks to the Crosser amendment, which I am supporting, I want to deal particularly with the Railway Retirement Act. I think that the Committee on Expenditures in the Executive Departments erred grievously when they failed to include this particular agency in section 5 of this bill. The fact is that none of the moneys involved in this trust fund are paid by the United States Government; they are paid by the employees of the railroads and by the railroad companies. Not even the salaries of the men who administer the Railway Retirement Act are paid out of the Government funds but out of the particular retirement fund.

Let me make this point, that until we are able to balance the budgets of the individual agencies of this Government and the National Budget as a whole, we have no business toying around with anything as sacred as a trust fund, as this one happens to be. I trust it will be the pleasure of the members of this committee to support the Crosser amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. KEEFE].

Mr. KEEFE. Mr. Chairman, I want to endorse wholeheartedly the proposal to exempt from the provisions of this bill the Railroad Retirement Board, the Railroad Adjustment Board, and the Railroad Mediation Board, for the very reasons, among others, so well expressed by my friend who just left the well of the House, the gentleman from West Virginia [Mr. BAILEY]. I think it is unthinkable, and that expression has been used here on the floor of the House, even if they were not covered by the exemption of this bill, that the President of the United States would in any reorganization plan attempt to change, or interfere with, the proper functioning of those three agencies. I have heard that statement made time and again, and I see the

gentleman from Mississippi, in charge of the bill at present, nodding his head in acquiescence. But the gentleman from Indiana yesterday made an argument on that question which no one present has been able to refute in the 2 days of debate. The same argument was made when the other reorganization bill was up. As has been shown by readings from the reports of Senate debate, the then Senator Truman said in almost the same language that it was unthinkable that the Civil Aeronautics Board would be transferred from its independent status. The same thing was said on the floor of this House, that it was unthinkable that in a reorganization plan the Civil Aeronautics Board would lose its independent status. But that is exactly what is taking place. That is exactly what may take place in the future. In view of the very apparent change in attitude on the part of President Truman, as reflected in the letter that his Bureau of the Budget wrote disapproving the bill introduced by the gentleman from Indiana to maintain the Civil Aeronautics Board as an independent agency of Government.

So far as I am concerned, I would like to believe that there will be no attempt to interfere with the independent status of these agencies. I am going to vote for the Halleck amendment first and if that fails I shall support the amendment of the distinguished gentleman from Ohio. I happen to know something of these 3 agencies because I have the honor to serve on the subcommittee of the Committee on Appropriations which handles their annual appropriations. We appropriate money out of their own funds largely and not out of the funds of the Treasury of the United States. But, gentlemen, I call upon any man on the floor to rise and answer the argument that has been so forcibly put by the gentleman from Indiana [Mr. HALLECK]. You have had fair notice, despite the promises that were given both in the Senate and on the floor of the House that the independent status of these agencies would be maintained, that those promises are not to be thoroughly relied upon. You lost the independent status of the Civil Aeronautics Authority by adopting that sort of complacent attitude. You may lose the independent status of these other agencies that are quasi-judicial in character and never should be placed with an executive department of government which is politically minded at the top.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield.

Mr. HALLECK. If it is contended that the independent agencies will not be interfered with under the Reorganization Act, if it becomes law, then why not exempt them? Why should anyone say that the passing of this amendment and providing for these exemptions would in any way interfere with needed reorganization?

Mr. KEEFE. Exactly. If there were no thought that the independent status of these agencies might not be interfered with, then why in the name of heaven did the committee exempt any of these agencies? Why did they exempt the Interstate Commerce Commission,

the Federal Trade Commission, the Securities and Exchange Commission, and why did they try, in the subsequent paragraph, to throw a measure of protection around these other agencies, if they did not have in mind that they might lose their independent character if this reorganization bill were to pass without these exemptions being provided?

I hope we pass the Halleck amendment.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. KEEFE] has expired.

Mr. HOFFMAN. Mr. Chairman, if I knew that an amendment which I shall offer later as to the method of the adoption of any plan proposed by the President would be accepted I would vote against the Halleck substitute and also against the amendment offered by the gentleman from Ohio [Mr. CROSSER]. But, not knowing that, I am forced to vote for the substitute offered by the gentleman from Indiana [Mr. HALLECK] in order to protect the named agencies.

When this bill was before the committee, the situation was similar to the one which now confronts us. The same was true when the committee had the bill to establish some supervision over Government corporations. Every witness from every department who came before the committee said that the purpose was good and it ought to be applied to every agency in the Government, except the one which he represented.

When this bill was considered, the chairman of the committee originally wanted to exempt 21 agencies. Perhaps he was right. It may be the administration should have no power to interfere with any of them. Finally, the committee exempted four agencies.

Now comes the gentleman from Ohio [Mr. CROSSER] and he wants to add two or three more, and the gentleman from Indiana [Mr. HALLECK] wants to add some more. Why? The reason back of it was expressed by the gentleman from Kentucky [Mr. ROBSON] and by the gentleman from Wisconsin [Mr. KEEFE] and it is this: There are certain agencies of the Government that we do not want the President to interfere with.

My way of getting at that would be this: When we come to pages 8 and 12 of this bill, I would change the procedure in this way: I would provide that, before any plan sent down by the President should become effective, it should have the support of a majority of the Members of both Houses. To do otherwise, and to refuse to adopt that kind of an amendment, is, to my mind, a shirking of our responsibility.

Under our Constitution and under our practice there has been up to the coming of the New Deal just one way by which a bill could become a law. Always, in every instance, it had to receive a majority vote of both branches of the Congress.

Now, we propose by this bill that the President shall—may I be permitted to say—introduce a bill; send it down here. The House can unanimously reject it. It goes to the Senate. In fact, it will be sent there at the same time it reaches us, and the Senate approves it. There-

upon it becomes law. The proposal of the President, his plan, by and with the consent of the Senate, of which he may have control, becomes a law in spite of the opposition of the House.

You and I, if we support this bill as it stands today—I do not want to say it; I dislike to say it; but I believe I will—you and I, in my judgment, will have betrayed our people, because we will have relinquished, we will have shirked, our responsibility to enact legislation because we will be saying that the President and the Senate can without our consent make the law.

I cannot go along with that sort of procedure. Because I do not know what the membership is going to do, I say these agencies proposed to be exempted by the gentleman from Indiana should be exempted.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. HOFFMAN] has expired.

The CHAIRMAN. The gentleman from Tennessee [Mr. KEFAUVER] is recognized.

Mr. KEFAUVER. Mr. Chairman, I find myself in a rather contradictory situation in reference to this legislation. I feel as most of us do that there are a lot of overlapping agencies, a great many of which should be consolidated and reorganized. I am in favor of effecting economy in their operation. On the other hand, however, most of these agencies were created by act of Congress. Congress had some particular reason for setting them up as they were established, and I frankly do not like the idea of Congress abdicating its power to the Executive to reshuffle and reorganize and merge these agencies any way the Executive may see fit. Insofar as President Truman is concerned, I am sure he would do the very best he could and I do not know of anything he contemplates doing that I would not be in agreement with. The fact is, I am not greatly worried about any of the agencies insofar as the present President is concerned; it is the legislative principle we are establishing by this kind of legislation that frightens me. There will be future Presidents who may not have the same concept about the manner in which these agencies operate as that held by President Truman. For instance, I have in mind one particular agency, the Tennessee Valley Authority, which Congress in its wisdom said should operate as a regional agency. Congress said that the decisions and the carrying out of policy should be done in the region where it operates, that it should have its principal office not in Washington but it should operate among the people it served. On that basis it has been highly successful and its great success is to a considerable extent the result of the fact that it has been able to operate there where the people could get in touch directly with its officials and where policy could be carried out there where the people had an opportunity to be heard.

So I must warn you that if you are interested in the Washington Valley Authority and the other authorities that may be established similar to the TVA—the Missouri Valley Authority, the Central Valley Authority in California, and

others—if they are organized, that you would have a division of responsibility if you had a President who wanted to put them under the Interior Department, for instance, or some other department. In a situation like that you would have to come to Washington rather than to the local office to see about getting a transmission line or a power line built. It would completely destroy the purpose and chief value of a regional authority.

What I think the Congress should do is to take the initiative itself in eliminating or merging some of these organizations that ought to be eliminated and exercise our power and vision rather than abdicate our power and our authority to an Executive regardless of whom he may be. Let us chart their course, lay down their policy, eliminate needless ones and let it be a reorganization thought out and put into effect by the Congress. I therefore have a feeling in line with that of the gentleman from Michigan that what would be more desirable would be to let the Executive make recommendations as to his plans and then let the Congress by affirmative action either accept or reject the plan, and not do it in the negative way that is provided in section 6 (a). We all know as a matter of fact that if a reorganization plan is sent up here it is going to take more than 60 days before we can act on it. Legislation does not come to completion that quickly. Throughout recent history it has been our experience that 60 days is not sufficient time where there is determined opposition to get a bill through committees and have it considered by both Houses.

Mr. MANASCO. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. MANASCO. The bill contains a cloture rule which makes it impossible for anybody to filibuster such a bill or for any committee to sit on it.

Mr. KEFAUVER. Judging by experiences we have had we all know that if there is any substantial opposition to legislation, with a crowded calendar and the other things that inevitably come up, that it is very difficult to get legislation through in 60 days. True the bill has a cloture provision but it might get behind a filibuster in the Senate. No priority over other business is provided for in the bill.

Mr. MANASCO. Mr. Chairman, will the gentleman yield further?

Mr. KEFAUVER. I yield.

Mr. MANASCO. If the gentleman will read title 2 of this bill he will see that it states that if the committee to which the resolution has been referred does not act within 10 days, at the expiration of that time any Member who is opposed to the reorganization plan can call up the resolution and it shall be of the highest privilege; nothing can supplant it.

Mr. KEFAUVER. I may say to the gentleman that Congress having created these agencies, having said in some cases that they shall operate and have their principal office in a region, I think it ought to be up to the Congress to say affirmatively whether it wants that reorganization. These agencies are for the benefit of the people. Let us keep them under our control.

Mr. MANASCO. The gentleman will admit that the TVA violated the law in not moving Muscle Shoals a long time ago.

Mr. KEFAUVER. I would like to argue that some time with the gentleman. The headquarters of TVA is in Alabama. In the interest of efficiency and economy most of the operational offices are in Tennessee. This is sensible because more than 70 percent of the TVA's operation and power sales are in Tennessee. Many corporations have their headquarters in Delaware where their charters were issued but economy and good business management requires them to have their principal offices elsewhere.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

The Chair recognizes the gentleman from Ohio [Mr. CROSSER].

[Mr. CROSSER addressed the Committee. His remarks will appear hereafter in the Appendix.]

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. WHITTINGTON].

Mr. WHITTINGTON. Mr. Chairman, the gentleman from Ohio, [Mr. CROSSER] speaking for the second time, has brought a very important matter to the attention of the Committee. Where we are dealing with commissions and boards he has undertaken to deal with laws and acts, and he has referred to the Internal Revenue Code specifically subchapter (B), chapter 9. Frankly, with respect to what effect his amendment is going to have on the Treasury Department and on other departments, I do not know. This amendment affects any agency functioning pursuant to or any function being performed pursuant to said acts, and excepts the Bureau of Internal Revenue, without excepting other agencies affected. It was never submitted to the committee and it has never been examined by members or the attorneys for the Committee and frankly I do not think that we ought to try to change the revenue laws or other laws on the floor of the House in that way. The Crosser amendment is entirely too far reaching and on investigation may defeat reorganizations in several departments. I will say in all fairness to the gentleman from Indiana that the language that he has used in respect to the National Mediation Board, the National Railroad Retirement Board, and with respect to the Railroad Adjustment Board is the language of the Act of 1939, and the language of the gentleman from Ohio has never appeared in any previous reorganization acts, and should not be included.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Indiana.

Mr. HALLECK. May I ask the gentleman to point out the language of exemption contained in the bill as he reported it applicable to the three agencies? To my mind that is a complete exemption.

Mr. WHITTINGTON. Yes, it is complete as to the three agencies named. I will try to cover the original amendment as well as the substitute. I say this without any desire to repeat, which has been said over and over again about

the Civil Aeronautics Administration, that there is nothing in this bill that will prevent the transferring of that agency and make it an independent agency, and I shall not refer to the Civil Aeronautics Administration again. I would like to say this also, as I said previously in general debate, that if we are for reorganization, there really should be no limitations in principle. As a member of the committee I was unable to prevent all limitations or exceptions. We included the outstanding ones. We limited them as far as we could.

Let me say to those who are apprehensive that there was no exemption of any kind in the act of 1932, and there was no attempt made to reorganize any of the commissions or board referred to in the pending amendment.

The President of the United States had the power to do that for 2 years and he never undertook to exercise it. When we say there should be no exception we do not thereby say that the President of the United States will reorganize those agencies but we do say that he shall have the privilege of taking a look at them, and if he can offer any constructive improvements he may be privileged to submit them to the Congress. In the first War Powers Act that we passed unanimously as I recall we did not make a single exception and we did not surround that act with the safeguards of this act. Under the First War Powers Act the President can reorganize. Under this act he has to submit his reorganization so that it may be disapproved if Congress is not satisfied. And there is a guaranteed opportunity of disapproval. There is nothing new about this procedure. It was included in the act of 1939, and it worked. Both Houses voted on a concurrent disapproval resolution concretely, what do we have before us? There are embraced three exceptions in the bill as reported by the committee about which there can be no reorganization. The first is the Interstate Commerce Commission. We feel that that has been a category to itself. It has been in force for 60 years. The adjustment boards were created in 1926 and 1934. There were other agencies such as the Civil Service Commission and the Federal Communications Commission. We put those five agencies in a category by themselves and we said to the President, "If you submit a plan respecting any one of those five agencies you have got to submit it singly so that the Congress can vote it up or down." In my judgment, if the Civil Service Commission cannot stand on its own feet, then that Commission ought to be reviewed by Congress.

The gentleman from Indiana would undertake to put these five and the first three all under the first head and make them absolutely exempt, and he would include the Federal Power Commission and the Maritime Commission with the three agencies the gentleman from Ohio has undertaken to cover.

The Federal Power Commission is not on a par with the Interstate Commerce Commission. The Federal Power Commission is not the agency selected by President Roosevelt or by the Congress

to fix rates and sell public power. I support the Federal Power Commission. I do not have any apprehension that the President is going to undertake to reorganize it or transfer it. Unless he convinces me in any plan that he can submit a better proposal, I stand for the Federal Power Commission. But when we came to dispose of Bonneville power, Grand Coulee power, the power in all the other public power projects where it was developed, we did not put that power in the Power Commission. I think the President ought to have the right to review and he ought to have the right to recommend that it be placed there, but President Roosevelt and Congress have placed it in the Secretary of the Interior, and in authority.

I have just this to say about the Maritime Commission. I am for a merchant marine and I am for a big Navy, but I sat here for 2 days this week considering the works of the Commission and, frankly, if there be one commission in the United States spending forty-five to sixty billion dollars that should be perfected, it strikes me it is the Maritime Commission, inasmuch as the House provided for selling at rather nominal prices the ships that they had built, at a low of multiplied billions of dollars. No harm can be done the Federal Treasury or the American people by taking a look at that Commission.

Let me say this further and finally: We are either for reorganization or we are against it. Our friends are unduly apprehensive. The President has the power to reorganize and has had it under the First War Powers Act without any exceptions whatsoever. If we are going to reorganize, if we mean to reorganize, why not give the President a chance to examine the 58 or 60 executive agencies, including the agencies mentioned in this amendment, and then give Congress, as provided by this bill, an opportunity to review and with guaranty of the right to reject.

I trust that the substitute will be rejected and that the original amendment will be rejected.

The CHAIRMAN. The time of the gentleman from Mississippi has expired. All time has expired.

The question is on the substitute amendment offered by the gentleman from Indiana [Mr. HALLECK] to the amendment offered by the gentleman from Ohio [Mr. CROSSER].

The question was taken; and on a division (demanded by Mr. HALLECK) there were—ayes 106, noes 129.

Mr. HALLECK. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. MANASCO and Mr. HALLECK.

The Committee again divided; and the tellers reported that there were—ayes 127, noes 161.

So the substitute amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Ohio [Mr. CROSSER].

The question was taken; and on a division (demanded by Mr. CROSSER) there were—ayes 79, noes 83.

Mr. MANASCO. Mr. Chairman, I demand tellers.

Tellers were ordered.

The Committee again divided; and the tellers reported that there were—ayes 170, noes 44.

So the amendment was agreed to.

Mr. RANDOLPH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RANDOLPH: Page 8, line 15, strike out "(e)" and insert "(f)", and after line 14 insert the following subsection:

"(e) The provisions of paragraphs (1) and (2) of subsection (a) of this section shall not apply in the case of a reorganization plan providing for the consolidation of the Department of War and the Department of the Navy into a new executive department under the direction of a Secretary; the provisions of paragraph (2) of section 4 of this act shall not apply so as to prevent the fixing of the rate of compensation of the Secretary of such new department, in such plan, at the same rate as the compensation paid to other heads of executive departments; and the provisions of subsection (d) of this section shall not apply in the case of such reorganization plan: *Provided, however,* That the foregoing provisions of this subsection shall be effective with respect to such reorganization plan only if such plan (i) does not provide for any reorganization affecting any other agencies, and (ii) does not abolish any civil function of the Engineer Corps of the United States Army, or of its head, or vest any such civil function in any agency which is not within the control and jurisdiction of the new department created under the plan."

Mr. RANDOLPH. Mr. Chairman, I would not ordinarily request the indulgence of the Committee to speak longer than the 5 minutes allotted, but the importance of the subject matter causes me to ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

Mr. HOFFMAN. Mr. Chairman, reserving the right to object, can the chairman tell me whether he proposes to finish this bill tonight?

Mr. MANASCO. We hope so if we do not have too many amendments.

Mr. McCORMACK. Mr. Chairman, reserving the right to object, I may say that if consideration of the bill is completed tonight, then there will be no legislative business for the remainder of the week. Admiral Nimitz will be up here at a joint meeting tomorrow and if consideration of this bill is completed the Members may govern themselves accordingly. If we do not finish its consideration, after the joint meeting tomorrow we will proceed with this bill. I hope, however, its consideration will be completed this afternoon.

Mr. HOFFMAN. Does the gentleman propose to adjourn over Saturday?

Mr. McCORMACK. Yes.

Mr. HOFFMAN. If you work us until 11 o'clock, we will have to have Saturday to rest up.

Mr. McCORMACK. I never try to hold anybody. Fortunately the Members have always cooperated very well. I simply said that if consideration of the bill is completed tonight, there is no further legislation this week. As a matter of fact,

there will be nothing much until Wednesday of next week, but I shall make an announcement later. I hope it will be completed. If not, I will not be disappointed. It is up to the Members.

Mr. HOFFMAN. How long does the gentleman expect to run tonight?

Mr. McCORMACK. We usually work that thing out as we go along; the gentleman from Michigan knows that.

Mr. HOFFMAN. It occurred to me, with these strikes on having to do with the delivery of milk, that maybe some of the babies and children in Washington will want some milk, and we might have to be here Saturday.

Mr. McCORMACK. Let us confine ourselves to whether we can get through with this bill today or not.

Mr. BENDER. Mr. Chairman, reserving the right to object, I do this for the purpose of asking the chairman of the committee whether it would be the desire to sit until 6 o'clock this evening, if necessary, to finish this bill.

Mr. MANASCO. I hope to sit here until we finish the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Chairman, the weakness of this legislation is the exemptions which were written into the measure in the Committee on Expenditures in the Executive Departments and later have been written and may still be written on the floor of this House. We either believe in reorganization of these executive agencies of our Government with the resulting economies which will come to the Nation, or we believe otherwise.

This afternoon, therefore, it is my desire to test the opinion of this Congress, at least partially, on whether its individual Members really desire to eliminate the overlapping functions, to eliminate the duplications within at least two of our departments, and to say that the task our President has set himself to we will allow him to prosecute to the fullest extent.

What is the position on reorganization policy of the Chief Executive of the United States? It is very plain, because he has stated it on two recent occasions; first, on May 24 of this year and later, on September 6. In his message to the Members of Congress in the first instance he said:

The legislation should be sufficiently broad and flexible to permit of any form of organizational adjustment, large or small, for which necessity may arise.

In a later message the President of the United States used almost the same language, although modifying it slightly, when he requested:

The legislation should be sufficiently flexible to permit any kind of adjustment for which necessity may arise.

President Truman, the man to whom the Congress will delegate these powers if this legislation becomes law, has declared many times that he believes in the consolidation of the War and Navy Departments into a single department. We can call it Department of Defense,

Department of the Armed Services, or whatever might seem most appropriate. The President of the United States, when he was a Member of the Senate, wrote an article in August 1944, which was published in a leading magazine, and in that presentation he vigorously espoused the cause of a single Department of Defense.

This article is referred to in the following editorial from the Washington (D. C.) Post of October 1, 1945, as follows:

UNIFICATION

By common consent unification of the armed services seems to have been put in a back seat. The Navy, of course, has always been against it. Accordingly it was no surprise to hear Chairman VINSON, of the House Naval Affairs Committee, saying last Thursday, "There is no chance of taking up the Army and Navy merger now. I hope it is off forever. The two services should remain separate and distinct." By a curious coincidence Chairman MAY of the House Military Affairs Committee expressed himself of similar sentiments on the same day. "I am against merging the Army and the Navy," he said. "I don't think you can merge them." No comment is available in the Navy Department, but the War Department, we understand, has been circularizing its officials that unification is off, at least for the time being. That means that silence will be Army doctrine till the higherups again release the pronouncement agitation which till last week resounded through the halls of the Pentagon Building.

The reason for the sudden abandonment of this reform can only be guessed at. May it not be that in return for silence the Navy has assured the Army of support in its postwar program? That is not impossible. One reason that the Army was so enthusiastic for unification had to do with the sense of insecurity that always comes over the War Department when peace returns. When the guns begin to go off, the American people grudge the War Department nothing; but as soon as they are silenced, the Department has great difficulty over appropriations. The Navy finds the going on the Hill much less difficult. It looks as if the future will conform with the past, for the Navy will find its traditional claims fortified by the fact that it is actual custodian of the interests and responsibilities we have acquired or undertaken as a result of the war. Besides, the Navy's chairmen in Congress are valiant pro-Navy men, and Secretary Forrestal, whose pro-Navy success on the Hill is well known, may be counted upon to keep their support intimate and enthusiastic. Thus out of the largeness of its heart the Navy might have agreed to lend the Army a helping hand in the legislative task ahead if the Army will drop its pronouncement agitation.

This is all the vaguest sort of speculation, but the sudden abandonment of the reform has an ancient and fishlike smell and warrants speculation. Certainly nothing has happened recently to warrant any cooling off. On the contrary, the need for some plan of unification has been pointed up by events. There were, for example, the Pearl Harbor revelations, which showed a shocking lack of liaison to be risked again at our peril. Then there is the evidence of what lack of coordination between Japan's Army and Navy meant to the Japanese war effort. Many things, of course, contributed to the speed with which American power gained predominance in the Pacific, but not least of these factors was the virtually unrelated duality in Japan's military system. That should have been a lesson in itself to the United States. When the war came to an end our command situation in the Pacific was bad enough, but, thank Heaven, the Japanese

was worse. It was proof, as President Truman said in a magazine article he wrote as Senator Truman in August 1944 that "a divine Providence watches over the United States."

The President in his message to Congress on September 6 said that he would send a separate message later on the subject of unification. We hope that before he indites his message he will look up his own words in the aforesaid magazine article. Out of his experience at the head of the Truman committee he gave one illustration after another of overlapping and cleavage. He concluded, "What else can be expected of an organizational arrangement that departmentalizes the national security, authorizing and encouraging rivalry?" Coordination would remove the dead hand of tradition which is the bane of improvement, paralyzing innovation, frustrating action, and preventing ideas from getting any hospitality. Coordination of the armed services would commit the moth-eaten traditions of both services into the scrap heap and enable a new establishment to keep abreast of these dynamic times. Representative MAY says he doesn't know how the two could merge. But the way to merge is to merge, and the time to start is now, when the whole question of a postwar military establishment is under review.

His language speaks eloquently and effectively of his intense interest and his deep desire to do more than just advocate, his desire to actually act upon this subject, when he says, "What else can be expected of an organizational arrangement that departmentalizes the national security, authorizing and encouraging rivalry?"

Even my very fine friends, the chairmen of our Committees on Military and Naval Affairs, would not dispute in the well of this House today, although they will vigorously oppose the amendment, that there has existed, there exists, and there will continue to exist under our present set-up those rivalries and organizational departures to which our present Chief Executive has alluded.

We have much confidence in the Comptroller General of the United States, Lindsay Warren, of North Carolina. I would remind especially those of you who are seasoned Members of this body that in 1932 Mr. Warren, then a Member of this body, was the individual within the Committee on Expenditures in the Executive Departments who cast the vote to bring from the committee a bill which would have done exactly that which, now almost 13 years later we are still delaying, instead of acting on affirmatively. The bill was reported and the Committee on Rules never allowed the measure to come to the floor. He told us on September 5 the above fact. You can read his statement on page 99 of the printed hearings. Lindsay Warren believed in it then. He has believed more firmly in it since. I shall refer in a few moments to a further comment Mr. Warren has made on the issue here presented.

Came the period prior to World War II, as we faced gradually and later more quickly the impact of this terrific global struggle. We attempted to conduct hearings on this subject by the committee to which the measure was referred, but no hearings could be held.

I now direct your attention carefully to what Lindsay Warren said on Sep-

tember 5 of this year when our committee was considering reorganization legislation. His comment on a need for a single department was, "I am convinced," he said, "that vast economies could be accomplished, not even mentioning the national defense."

I call your attention also to a past Secretary of the Navy, Josephus Daniels, although a man of advanced years, who came before the very able gentleman from Virginia [Mr. WOODRUM] and his Select Committee on Postwar Military Policy and said that the events leading to and causing Pearl Harbor would not have taken place had there been a unification of command.

When certain individuals say today that there are younger Members of this House who perhaps believe in this proposal because they are wedded to air power, I would remind you that a man like Josephus Daniels could not be charged with such a definiteness of opinion. He was a Navy advocate.

I would remind you also that the present distinguished Secretary of State of the Republic, the Honorable James F. Byrnes, was, as you know, during the prosecution of this war for a time the Director of the Office of War Mobilization and Reconversion.

He said, in making his second quarterly report on April 2, 1945:

In my capacity as Director of War Mobilization and Reconversion, I have had unusual opportunity to become familiar with the operation of the War and Navy Departments.

I will place in the RECORD his entire statement, which I will not read, but I call your attention to his appeal with this language:

I urge that the Congress at an early date give consideration to the establishment of a single department of defense in which the Army, Navy, and Air Forces would function under one head who would be directly responsible to the President as Commander in Chief.

The entire statement is as follows:

A UNIFIED NATIONAL DEFENSE

In my capacity as Director of War Mobilization and Reconversion, I have had an opportunity to become familiar with the operations of our War and Navy Departments.

I believe their achievements in the design and procurement of weapons of war to be outstanding. The supply of our armies in the field and our Navy afloat has permitted a continuing offensive which has reached a magnitude previously unknown to history.

Nevertheless, there have been and remain many duplications of effort which have resulted in substantial expenditures for war which might have been avoided. Procurement and supply programs under a unified system could have saved not only dollars, but—what is far more important in war—manpower and materials.

The combined combat operations of our Army and Navy have been executed under single leadership with remarkable success. Differences at home have been reconciled. In this way many duplications have been avoided.

However, we have obtained this degree of unity only because the Joint Chiefs of Staff—Admiral Leahy, General Marshall, Admiral King, and General Arnold—have been willing and able to compromise and reach agreements in the common interest.

I do not believe that any changes should be made now, as such changes and the reorganizations involved might interfere with

the prosecution of the war. However, I am convinced that America should not face the future without a fully unified national defense. I urge that the Congress at an early date give consideration to legislation which would establish a single Department of National Defense, in which the Army, Navy, and Air Forces would function under one head, who would be directly responsible to the President as Commander in Chief.

Members of the Congress, reason together for just a moment. Who is the Commander in Chief of the Army and Navy? Why, it is the President. He is the Chief Executive of this land. Under section 2 of article II of the Constitution of the United States, we have provided that he and he alone is the Commander in Chief of the Army and Navy of the United States.

Who is better able than our Commander in Chief, President Truman, who in his own language has asked for this power, and who says that he will exercise it, to propose to the Congress a definite plan for the unification of the armed forces of the United States? The reports are in from the Army and Navy. The hearings have been held. The surveys have been made. The opinions of military experts have been gathered. There is a tremendous backlog for a period of almost 15 years bearing directly upon the matter to which we here focus your attention. The President sends a unification plan to the Congress and we have 60 days in which we can say, "We cannot approve of what you have done." Not the Congress, but the President, the leader who is in charge of the Army and Navy, sends that blueprint to the Congress. Let us permit him to do the job which he says will be done and then the Congress of the United States can either stand with him or oppose what he has proposed.

This is a test, gentlemen, and I trust, regardless of party affiliations, we will think clearly and act courageously and do what the country desires that we do: Cut down duplicating departments and eliminate waste. Thus we act in an efficient manner for the American people.

The CHAIRMAN. The time of the gentleman from West Virginia has again expired.

Mr. BENDER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment.

Years ago my Sunday school teacher used as her text the words of Jesus when he said, "Thy lips do Me honor, but I fear thine heart is not with Me." That surely applies here today. Everybody talks about economy and no one does anything about it.

The gentleman from West Virginia [Mr. RANDOLPH] has offered ample testimony in support of his amendment. He has given the best possible authority in support of the amendment. If I had the time I could give you additional authority for the merging of these two departments. Is there any place in the Government where waste and duplication could be cut down to any greater degree than in the Army and the Navy today?

Mr. HENRY. Mr. Chairman, will the gentleman yield?

Mr. BENDER. I yield.

Mr. HENRY. Does not the gentleman from Ohio believe that the magnitude of this whole question is such as to demand separate legislation, rather than mixing it with legislation that is now pending?

Mr. BENDER. I believe separate legislation would be desirable. However, we have the opportunity today, and why wait? This is the time to vote.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. BENDER. I yield.

Mr. MAY. I would like to ask the gentleman if the President, under the proposed amendment, which simply authorizes the President to send a plan to Congress, did send a plan here on a proposed consolidation of the Army and the Navy, it would not be a more difficult problem to deal with it than if we brought in separate legislation dealing with it?

Mr. BENDER. Frankly, I disagree with the gentleman. I think it would be easier to deal with it here. I think it would be a step in the right direction.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. BENDER. I yield.

Mr. RANDOLPH. I am sure the distinguished chairman of the Select Committee on Postwar Policy and Planning, the gentleman from Virginia [Mr. WOODRUM], for whom I have the highest regard, would say, if he were now speaking, that his select committee held hearings on this subject more than 1 year ago, in May 1944. I am sure he and other members of that committee, like the gentleman from New York [Mr. WADSWORTH], who desire action, would not feel that casting an affirmative vote on this matter would reflect in any way upon the testimony taken by that select committee.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. BENDER] has expired.

Mr. BENDER. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BENDER. I have been a member of this committee for the past 7 years. This committee used to be the burial ground for most legislation. The committee was so constituted so that it was almost impossible to have a quorum present. Now we are bringing more legislation to the floor of the House than all of the committees of the House combined. You are getting action with a vengeance. Here is your chance to vote for a good amendment.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. BENDER. I yield.

Mr. CHURCH. Does the gentleman understand that he is speaking for a plan to unite the War Department and the Navy Department, and that that plan, among others, can be confirmed by only one House and become law?

Mr. BENDER. You understand the amendment. It was explained to you very clearly. It provides for a merger of the two departments. The House, by

voting for this amendment, is going on record for such a merger. That is all there is to it.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. MANASCO. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. THOMASON. Mr. Chairman, reserving the right to object, some of us would like a little time on this amendment if all debate is going to be for it. I will object.

The CHAIRMAN. Objection is heard.

Mr. MANASCO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I thought the House was ready to finish the bill. That was the reason I submitted the request to limit debate.

I, of course, think that the reorganization of the executive departments is one of the most important things confronting the Congress today, but since we would not trust the President with the reorganization of the two railroad boards and a few others I believe we should not at this time give him blanket authority to combine the two agencies to which we entrusted the winning of the recent war. I have no fixed opinion as to whether or not we should have one agency conduct our national defense but I do believe that legislative committees should study this question very very carefully before legislation is recommended combining these departments, or maybe separating them into three or four different departments, that is, of the air, the sea, and the land. I believe that this is a question that might well take 2 or 3 years. It is very easy, of course, to criticize the different agencies of our Government. It is very easy to criticize the War and the Navy Departments for not cooperating in some little petty thing, but in the matter of consideration of legislation in any House committee—I believe I can speak from experience without divulging anything that goes on in an executive session—we have seen a few Members support legislation without amendment, but when it was brought to the floor of the House, support every amendment that was offered. The Army and Navy of course have some petty jealousies but I do believe that when departments, especially those to which our defense has been entrusted are to be reorganized we ought to consider the matter on its own merits and consider it very carefully. For that reason I sincerely trust this amendment will be voted down. I also wish to say that we are going to hold hearings soon—I guess there will be 15 committees holding hearings on this same question within the next few months, but our committee is going to hold them anyway.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. MANASCO. I yield.

Mr. McCORMACK. In my opinion this is not a proper subject to involve in a merger and reorganization bill. This concerns our whole national defense policy.

Mr. MANASCO. The gentleman is correct.

Mr. McCORMACK. I was sorry to hear my friend, the gentleman from West Virginia, say that this is a test of sentiment. I am going to vote against this amendment but it certainly is no test of how I shall vote on the question in the future because I am voting against this amendment for the reason that I believe it has no place in this bill, that the subject should be considered by the regular legislative committees, for there are greater implications and questions involved than mere merger.

Mr. MANASCO. The gentleman is correct.

Mr. McCORMACK. The very question of the national defense of our country is involved, and that should be passed upon by our legislative committees.

Mr. MANASCO. It involves the policy of our national defense.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. MANASCO. I yield.

Mr. RANDOLPH. I regret that our distinguished leader the gentleman from Massachusetts [Mr. McCORMACK] says the Congress would not be passing on this subject matter, except that our committees act in bringing in a bill. The Congress would have the power of disapproval, of veto, on any plan consolidation submitted by the President. As a matter of fact our distinguished President twice has suggested to us that, acting as Commander in Chief of both the Army and the Navy, he be given this delegation of power. The President must initiate. We do not seem to act. We have the veto power and this is the time and place to begin that cutting in all departments to end duplication. The public, in my opinion, believes in that principle now more than ever before in our history as a Nation.

Mr. MANASCO. Of course, our committee took the position that the creation of executive departments should be left to the Congress of the United States and not to the Chief Executive. I think the same thing applies to combining these departments.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. MANASCO. I yield to the gentleman from Pennsylvania.

Mr. RICH. The majority leader said he is against this amendment. What difference is there between this and the amendment suggested by the gentleman from Ohio [Mr. CROSSER]?

Mr. MANASCO. I cannot answer the question.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. JENNINGS. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, we have just won the greatest war in which this Nation was ever engaged. We won it with the Army functioning as an army and with the Navy fighting as a navy. Now, it is proposed on the spur of the moment, without due deliberation and without due consideration to telescope these two great organizations and to minimize the victory they have won.

Mr. Chairman, this is a question so far reaching and so vitally affecting the defense of this Nation that we ought not to take it in hot haste or impetuously. From the dawn of history, military power, the ability to wage victorious war, has been based upon a separate army and a separate navy. You cannot fly with one wing. Let us not jump off a precipice without a parachute and without knowing what we are going to hit when we get to the bottom. This amendment ought to be defeated.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. The argument has been made here that there was a great deal of jealousy between these two arms of the service.

Mr. JENNINGS. If there is rivalry between two organizations like the Army and Navy, it puts each on its toes. Who is it that can truthfully say that the American Navy in this war did not cover itself with glory and that our armies wherever they fought did not measure up to the high standards of valor that have characterized our armed forces in all the wars we ever waged? The truth of the matter is that the training, arming, and maneuvering of armies is one thing and the building, manning, and strategy of a navy is another. Those who have led our armies and those who have commanded our Navy have proved the masters of all our enemies.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. Has there been any evidence of lack of unity between the Army and Navy and Air Forces since Pearl Harbor?

Mr. JENNINGS. No. They have co-operated everywhere. All you have to do is to turn to the shores of Africa, the coast of Sicily, the landings in Italy, to the beachhead on the coast of Normandy, to Okinawa, and to Japan. There has been no friction. This war was fought by human beings and men will be human as long as the human race exists. It is good to see rivalry such as exists between the Army and Navy. It means the winning of wars, it means the successful defense of our great country.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. WHITTINGTON. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTINGTON. Mr. Chairman, we have had a demonstration of the futility of undertaking to combine on the floor of the House in a half hour the two largest departments of Government. This bill proceeds on the theory that when it comes to establishing a cabinet position and executive departments or combining them, those functions shall be left to the Congress of the United States. Legislation has been introduced from

time to time providing for combining the War and Navy Departments. For many years there has been such legislation pending.

I recall that about 12 years ago the committee spent weeks, probably months, in such hearings without coming to a conclusion. I recall the committee of which the distinguished gentleman from Virginia [Mr. WOODRUM] is chairman, has been investigating the matter. They probably have their opinion. But in all events this is no place for the consideration of combining the Army and the Navy under the terms of this bill because under the terms of the amendment we might not like the name of it, we might not like the provisions under this reorganization bill. There is no opportunity for amendment. You have to vote it up or down.

Let me say this, too, that now in an amendment to undertake to provide for the combining of the Army and the Navy, with the additional war functions set up under them under the First War Powers Act, would be a mistake. For my part I have an open mind, and I think when this war is over and when we have taken an inventory, we ought to give consideration to combining these two Departments.

Mr. KILDAY. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Texas.

Mr. KILDAY. A moment ago the gentleman from West Virginia referred to the Comptroller General's testimony on reorganization. I would like to call the gentleman's attention to page 73 of the hearings where Mr. Warren testified in which he said that this bill would prevent the consolidation of departments, and that he felt that that was a proper restriction. The gentleman from Mississippi asked this question:

What was that again, Mr. Warren?

Mr. WARREN. He asked me if I thought this legislation should provide for the consolidation of departments—

Mr. WHITTINGTON. Oh, yes.

Mr. WARREN. Having in mind a Department of National Defense. I told him I thought it would be very unwise to do that in this legislation.

Mr. WHITTINGTON. Exactly. Every reorganization bill that has ever been presented to the House or to the Congress has provided, as does this bill, that the matter of establishing a new Cabinet position or the matter of combining existing Cabinet positions shall be left to the Congress and not embraced in a reorganization. I trust the amendment will be rejected.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. In deference to the gentleman from Texas, the record will show that I did not quote Lindsay Warren as being for or against my amendment. I quoted him as believing that a single department of defense would effect economies in Government.

Mr. WHITTINGTON. We are glad to have the Comptroller General's opinion,

but this Congress should not go about combining departments handling hundreds of millions of dollars and passing on that matter in 30 minutes without adequate provisions for the transfer of the functions and the funds, including the officials of the two departments.

Mr. THOMASON. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Texas.

Mr. THOMASON. For the last 5 years, at least ever since Pearl Harbor, the Committees on Military and Naval Affairs have been in session nearly every working day on matters of national defense and national security. Does not the gentleman believe, in all fairness, since they are charged especially with that duty, that they ought to continue hearings and make recommendations on such a tremendous question?

Mr. WHITTINGTON. I do not wish to usurp any of the prerogatives of congressional committees. I will let the gentleman answer his own question. I think it would be utterly unwise to adopt this amendment, and I trust it will be defeated overwhelmingly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

The question was taken; and on a division (demanded by Mr. RANDOLPH) there were—ayes 37, noes 112.

So the amendment was rejected.

Mr. BLAND. Mr. Chairman, I offer an amendment.

The Clerk read, as follows:

Amendment offered by Mr. BLAND: On page 7, line 12, before the word "and", where it first appears in the line, insert "United States Maritime Commission."

Mr. BLAND. Mr. Chairman, this amendment would provide that no reorganization plan could affect the Maritime Commission, except that the whole or part of the functions of other agencies could be transferred to the Commission; in other words, it includes it in the provision that applies to the Interstate Commerce Commission, the Federal Trade Commission, and the Securities and Exchange Commission, as well as the other commissions that were included by the amendment of the gentleman from Ohio [Mr. CROSSER].

Under the Shipping Act of 1916 and the Intercoastal Shipping Act of 1933, the United States Maritime Commission has broad regulatory powers over carriers by water engaged in carrying commerce between the United States and its island possessions. These functions are similar to and patterned after the functions which are exercised by the Interstate Commerce Commission. For example, the Commission enforces a statutory prohibition against the granting of rebates or using other discriminatory or unfair methods by carriers so that shippers and competing carriers may be protected from unjust treatment. Common carriers by water are required to file for the Commission's approval their agreements and schedules concerning rates, competition, and pooling and are forbidden to indulge in such unfair practices as false billing, false weighing, giving of preferences, allowing persons to obtain transportation at less than regulatory

rates and unjust insurers not to give competing carriers favorable rates of insurance. The Commission is also empowered to determine whether rates are unjustly discriminatory between shippers or ports or unjustly prejudicial to exporters. It may enforce just and reasonable regulations relating to handling, storing, and delivering property. It may suspend filed rates and in their place fix just and reasonable maximum or minimum rates. It may prescribe just and reasonable classifications, tariffs, regulations, or practices.

In the field of foreign shipping, the Commission is charged with determining whether or not conference agreements filed with the Commission are just and reasonable.

In awarding both operating and construction subsidies under the Merchant Marine Act, 1936, as amended, the Commission is charged with determining, within certain prescribed limits, the amounts of such subsidy.

Under the Merchant Marine Act, 1936, as amended, the Commission is charged with determining just compensation for vessels which are requisitioned by the United States.

Under the Shipping Act, 1916, the Maritime Commission has broad regulatory authority over persons carrying on the business of forwarding or furnishing wharfage, dock, warehouse, or other terminal facilities in connection with common carriers by water.

The duties are very similar to those performed by the Interstate Commerce Commission and are far more important because here we are dealing also with conferences in which foreign shippers participate and we may need to protect American commerce. I respectfully ask the adoption of the amendment.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. BLAND. I yield.

Mr. KEEFE. Does the gentleman fear that if this bill passes without the exception being granted to the Maritime Commission that the President may in a reorganization plan shift, or change, or limit the functions and powers of the Maritime Commission?

Mr. BLAND. The gentleman now speaking does not fear any action on the part of the President of the United States if the facts can be fully presented to him and if the decision is made personally by him. But the gentleman has seen very recently some letters that have gone to the Senate on matters pertaining to shipping and the gentleman fears that those who have written those letters do not understand the shipping situation.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MANASCO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Committee voted a few moments ago on the Halleck amendment, which contained the Maritime Commission as an exception to the provisions of this act. I, of course, realize there are judicial and regulatory functions in carrying on the Maritime Commission. Of course, we will admit that. But we have many other executive agen-

cies. I think it is fair to say that any agency in existence today in the Federal Government could come to a congressional committee and prove to the agency's satisfaction that they carry on quasi legislative and quasi judicial functions. I recall about 3 or 4 months before the Pearl Harbor attack—I believe it was the gentleman from Illinois [Mr. SABATH] or the gentleman from Illinois [Mr. DIRKSEN], or perhaps both of them—who had bills introduced authorizing the transfer from Washington of many of our executive agencies in order to make room for the growing defense program. I was on the subcommittee that held hearings and every agency in the Federal Government asked to be heard on that bill. Every agency came up with a long prepared statement, a very convincing statement, that it would be impossible for them to move away from Washington because they were tied up with the war effort. I recall the then head of the Office of Indian Affairs appeared. You would have thought that if the Office of Indian Affairs was moved out of Washington we would have lost the war at one stroke. The same thing was true concerning the Farm Credit Administration and the Home Loan Board and the Securities and Exchange Commission and the Railroad Retirement Board. After Pearl Harbor was attacked in about 2 weeks, the President issued an Executive order and moved all of them out. They have all been functioning. Of course, we have been hearing directly or indirectly from most of them since that time wanting to be exempted from the provisions of this bill.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. MANASCO. I yield.

Mr. WHITTINGTON. Is it not true that the Maritime Commission was embraced in the proposal of the gentleman from Indiana [Mr. HALLECK] and defeated?

Mr. MANASCO. I stated that.

Mr. BLAND. Mr. Chairman, will the gentleman yield?

Mr. MANASCO. I yield.

Mr. BLAND. Is it not true that in the former bill which was reported by the committee of the gentleman from Alabama the Maritime Commission was excluded?

Mr. MANASCO. Not in this bill.

Mr. BLAND. I am not referring to this bill, but I refer to the former bill.

Mr. MANASCO. Of course, it was in the act of 1939. There were about 21 agencies exempted in that case and as a result we had no reorganization of executive agencies to speak of.

Mr. CHURCH. It was excepted from the bill which the gentleman introduced, was it not?

Mr. MANASCO. Yes. I exempted a great many of them but every member of my committee wanted to report the bill out with very few exemptions. They voted me down on my bill.

Mr. CHURCH. In your bill the Maritime Commission was excepted.

Mr. MANASCO. I excepted the same agencies that were excepted in the 1939 act, but, as I say, the committee on both sides voted against me.

Mr. CHURCH. But you agreed at that time with the chairman of the Committee on the Merchant Marine and Fisheries.

Mr. MANASCO. I think if we should have any reorganization at all, probably the Maritime Commission needs reorganizing. I do not know anything about the functions of the Maritime Commission. I am a landlubber, but I do think the President should have an opportunity, if necessary in his judgment, to reorganize an agency that has spent 45 or 50 million dollars of the taxpayers' money. If there is anything that needs to be reviewed there, he should not be precluded.

I sincerely trust that the committee will vote down this amendment and all other amendments to this section.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. BLAND].

The amendment was rejected.

Mr. BLAND. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLAND: On page 7, line 24, at the end of the line insert the words "United States Maritime Commission," and then insert a comma.

Mr. BLAND. Mr. Chairman, I will not take much time. After I make my argument and lose, I try to accept the verdict gracefully. However, this amendment should prevail for the reasons I have assigned for my former amendment. This amendment brings the Maritime Commission in the next class. It is not exempting the Maritime Commission from reorganization, but it does require that there must be a separate and distinct plan for such reorganization. You must remember you are dealing, in many respects, with some very scheming gentlemen. I do not mean Americans entirely, but we have to compete all over the world if we develop a merchant marine. Any proposition with reference to the merchant marine ought to come in a separate plan of reorganization. For many years we have been trying to build up a merchant marine. I have been a member of the committee since 1922. From that time until the Merchant Marine Act, 1936, only two dry cargo ships were built. We have had to fight for our existence all the time.

I yield back the remainder of my time, Mr. Chairman.

Mr. BUCK. Mr. Chairman, I rise in support of the amendment. It will not be my purpose to occupy the time of the House rearguing the able exposition by the gentleman from Virginia [Mr. BLAND]. I hope, however, in the interest of the American merchant marine that his amendment will prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. BLAND].

The amendment was rejected.

Mr. ALLEN of Louisiana. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. ALLEN of Louisiana: On page 8, line 8, after the word "war", strike out the balance of line 8 and all of line 9 down to the semicolon.

Mr. ALLEN of Louisiana. Mr. Chairman, I will be brief.

Mr. Chairman, this amendment is designed to clear up a situation which is not clear in the bill. I believe if you will read paragraph (d) on page 8, you will conclude that the committee intended to leave the Corps of Engineers in the War Department. I think if you will read the report of the committee you will conclude the same thing; but there is an uncertainty about that in the clause in line 8 that I wish to strike out. That clause makes it uncertain. I have discussed the matter with some of the members of the committee and I find that the members of the committee themselves are not altogether clear on what it means. I think the committee intended to leave it in the War Department. I do not think anybody in this House wants to take the Corps of Engineers out of the War Department. I understand the President can reorganize the Corps of Engineers, but he cannot take it out of the War Department. What I want to do is to make certain that the Corps of Engineers is left in the War Department. I have discussed this matter with counsel for the committee and he assures me that this amendment would make certain that the Corps of Engineers would stay in the War Department. Unless we adopt this amendment the President could take the Corps of Engineers out if he wanted to. We do not want that done and I ask that you adopt the amendment. I hope the committee will accept it.

Mr. MANASCO. Mr. Chairman, will the gentleman yield?

Mr. ALLEN of Louisiana. I yield.

Mr. MANASCO. I, of course, cannot speak for the committee, but it is my understanding that the War Department engineers could not be transferred out of the War Department. He could reorganize the civil functions but not transfer the corps from the War Department.

Mr. ALLEN of Louisiana. That is my understanding, but I want to make it certain. If you adopt this amendment it will make it clear. I ask for the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

The question was taken; and on a division (demanded by Mr. ALLEN of Louisiana) there were—ayes 14, noes 57.

So the amendment was rejected.

Mr. WHITTINGTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask the indulgence of the Committee because I believe the statement I am about to make should be of interest to all the membership.

When the so-called Halleck and Crosser substitute and amendment were under consideration I stated that the language of the substitute amendment offered by the gentleman from Indiana with respect to the Railroad Retirement Board, the National Mediation Board, and the National Railroad Adjustment Board, was the language that was included in the act of 1939; and I stated, I think, that the gentleman from Ohio [Mr. CROSSER], whether he intended it or not went much further, and to such an

extent that I did not at the time attempt to make a final estimate as to the far reaching effect of the amendment. I ask the indulgence of the Committee to make this statement for the information of the membership. The Crosser amendment reads:

No organization plan shall affect any provision of the Railroad Retirement Acts, as amended, or of subchapter B of chapter 9 of the Internal Revenue Code, as amended, or of the Railroad Unemployment Insurance Act, as amended, or of the Railway Labor Act, as amended; nor shall any such plan affect any agency functioning pursuant to, or any function being performed pursuant to, any of such acts, except functions of the Bureau of Internal Revenue not related to subchapter B of chapter 9 of the Internal Revenue Code.

Mr. Chairman, may I read the following statement prepared by the legal advisers of the committee:

The Crosser amendment has effects which cannot be ascertained without a careful examination of the existing laws referred to in it, and it goes far beyond the purposes for which it was offered.

For example, the Railroad Retirement Act (U. S. C. title 45, sec. 228c-1 (j)) provides that any department or agency maintaining military records shall, at the request of the Railroad Retirement Board, furnish that with certain information necessary to the administration of the act.

Also that act (U. S. C. title 45, sec. 2280 (b)) makes it the duty of the Secretary of the Treasury to invest funds in the Railroad Retirement Account.

Thus, the War Department and the Navy Department, and the Secretary of the Treasury, are agencies "functioning pursuant to" the Railroad Retirement Act, within the language of the Crosser amendment, and therefore could not be affected by any reorganization plan, even with respect to activities not under the Railroad Retirement Act.

This conclusion is made more certain by that part of the Crosser amendment which expressly excepts from the prohibition functions of the Internal Revenue Bureau not related to subchapter B of chapter 9 of the Internal Revenue Code. This exception makes it clear that no other exceptions are intended.

An examination of the other provisions of law mentioned would no doubt reveal that the amendment would have the effect of relieving other agencies from the legislation.

So that on the floor of this House in an amendment that was involved, an amendment that was never submitted to the committee, certain language was adopted. I cautioned Members, and I am not saying this critically. I always bow to the majority of the House. I want to help the railroad employees, I have always aided them. I am glad to aid any employee. I do not want to take the railroad employees and put them in a separate category or give them separate treatment. I want the President of the United States to take into consideration all workers and all employees, as well as the public in any power we have given him to reorganize.

I merely submit to the Committee this language carefully considered and furnished me by the attorneys upon whom the House relies.

Mr. BLAND. Is there any method whereby we can return to that?

Mr. WHITTINGTON. Of course, by unanimous consent, but there will be an-

another day, and probably a conference before this bill becomes a law. The Crosser amendment should be clarified and modified.

Mr. CRAWFORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAWFORD: On page 8, line 1, after the words "Tariff Commission", insert "the Export-Import Bank of Washington."

Mr. CRAWFORD. Mr. Chairman, for RECORD purposes I wish to quote a paragraph from Public Law 173 of the Seventy-ninth Congress, an act to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes. This is subsection (f) of section 3 and reads as follows:

(f) The Export-Import Bank of Washington shall constitute an independent agency of the United States, and neither the bank nor any of its functions, powers, or duties shall be transferred to or consolidated with any other department, agency, or corporation of the Government unless the Congress shall otherwise by law provide.

We will have to bear in mind that although the Congress approved the Bretton Woods proposal it has not yet been approved by other countries parties to the Bretton Woods agreement and that in the meantime the Export-Import Bank is primarily the agency through which this country propose to carry on activities of a nature similar to those which may be carried on by the International Credit Bank provided for in the Bretton Woods agreement. As I understand this proposal before us, unless we amend it something like I am proposing here, the President will have the power to directly go against the language of the Export-Import Bank law which I have read. We should do all this with full knowledge and be prepared to take the consequences and all because so much confidence and faith has been placed in the Bretton Woods proposal, and apparently the other countries of the world will expect so much of that piece of machinery. Certainly there has been a great story sold to our people with respect to the functions of the Bretton Woods proposal creating millions of jobs through the production of goods in this country for export to other countries that perhaps we should be somewhat careful about how we upset or transfer or liquidate the Export-Import Bank, at least until the Bretton Woods machinery gets into operation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CRAWFORD].

The question was taken; and on a division (demanded by Mr. CRAWFORD) there were—ayes 31, noes 67.

So the amendment was rejected.

The Clerk read as follows:

TAKING EFFECT OF REORGANIZATIONS

SEC. 6. (a) The reorganizations specified in the plan shall take effect in accordance with the plan upon the expiration of the first period of 60 calendar days, of continuous session of the Congress, following the date on which the plan is transmitted to it; but only if, between the date of transmittal and the expiration of such 60-day period there has not been passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the reorganization plan.

(b) For the purposes of subsection (a)—
(1) continuity of session shall be considered as broken only by an adjournment of the Congress sine die; but

(2) in the computation of the 60-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than 3 days to a day certain; except that if a resolution (as defined in sec. 102) with respect to such reorganization plan has been passed by one House and sent to the other, no exclusion under this paragraph shall be made by reason of adjournments of the first House taken thereafter.

Mr. HOFFMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: On page 8, strike out line 25, and lines 1 and 2 on page 9, and insert "there has been passed by the two Houses a concurrent resolution stating in substance that the Congress favors the reorganization plan."

Mr. HOFFMAN. Mr. Chairman, I have another amendment on the desk, to page 12, line 22. The purpose of both amendments is the same; they have just one object in mind, and neither one is any good without the other. I ask unanimous consent that the second amendment be now reported, and that both amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Clerk will report the second amendment.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: On page 12, line 22, strike out "does not favor" and insert "favors."

Mr. HOFFMAN. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. HOFFMAN. I yield.

Mr. WHITTINGTON. Mr. Chairman, in view of the gentleman's request to consider these two amendments en bloc, and I think these are the important amendments which have been brought to our attention, I ask unanimous consent that the remainder of the bill be considered as read and printed in the RECORD at this point, and that it be in order to offer amendments to the bill as the sections are reached consecutively.

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Chairman, that means that anyone can offer an amendment and it will be in order?

Mr. WHITTINGTON. Exactly. The Chair will announce the sections as they are reached consecutively and amendments will then be in order to those sections.

Mr. McCORMACK. That will enable the amendments offered by the gentleman from Michigan to be considered better from a legislative angle, the bill having been considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The remainder of the bill is as follows:

DEFINITION OF AGENCY

SEC. 7. When used in this act, the term agency means any executive department, commission, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, board, bureau, division, service, office, officer, authority, or administration, in the executive branch of the Government. Such term does not include the Comptroller General of the United States or the General Accounting Office, which are a part of the legislative branch of the Government.

MATTERS DEEMED TO BE REORGANIZATIONS

SEC. 8. For the purposes of this act any transfer, consolidation, abolition, designation, disposition, or winding up of affairs, or provision for the appointment and compensation of the head or assistant heads of an agency, referred to in section 3 or 4, shall be deemed a reorganization.

SAVING PROVISIONS

SEC. 9. (a) (1) Any statute enacted, and any regulation or other action made, prescribed, issued, granted, or performed, in respect of or by any agency or function transferred to or consolidated with any other agency or function under the provisions of this act, before the effective date of such transfer or consolidation, shall except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law, have the same effect as if such transfer or consolidation had not been made; but where any such statute, regulation, or other action has vested functions in the agency from which the transfer is made under the plan, such functions shall, insofar as they are to be exercised after the transfer, be considered as vested in the agency to which the transfer is made under the plan.

(2) As used in paragraph (1) of this subsection the term "regulation or other action" means any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

(b) No suit, action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of any transfer of authority, power, and duties from one officer or agency of the Government to another under the provisions of this act, but the court, on motion or supplemental petition filed at any time within 12 months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, shall allow the same to be maintained by or against the head of the agency or other officer of the United States to whom the authority, powers, and duties are transferred.

UNEXPENDED APPROPRIATIONS

SEC. 10. The appropriations or portions of appropriations unexpended by reason of the operation of this act shall not be used for any purpose, but shall be impounded and returned to the Treasury.

PRINTING OF REORGANIZATION PLANS

SEC. 11. If the reorganizations specified in a reorganization plan take effect, the reorganization plan shall be printed in the Statutes at Large in the same volume as the public laws, and shall be printed in the Federal Register.

TITLE II

SEC. 101. The following sections of this title are enacted by the Congress:

(a) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in sec-

tion 102); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

SEC. 102. As used in this title, the term "resolution" means only a concurrent resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not favor the reorganization plan No. — transmitted to Congress by the President on —, 19—.", the blank spaces therein being appropriately filled; and does not include a concurrent resolution which specifies more than one reorganization plan.

SEC. 103. A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

SEC. 104. (a) If the committee to which has been referred a resolution with respect to a reorganization plan has not reported it before the expiration of 10 calendar days after its introduction (or, in the case of a resolution received from the other House, 10 calendar days after its receipt), it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such reorganization plan which has been referred to the committee.

(b) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to not to exceed 1 hour, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(c) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same reorganization plan.

SEC. 105. (a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(b) Debate on the resolution shall be limited to not to exceed 10 hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

SEC. 106. (a) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a reorganization plan, and all motions to proceed to the consideration of other business, shall be decided without debate.

(b) All appeals from the decisions of the Chair relating to the application of the rules

of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate.

SEC. 107. If, prior to the passage by one House of a resolution of that House with respect to a reorganization plan, such House receives from the other House a resolution with respect to the same plan, then—

(a) If no resolution of the first House with respect to such plan has been referred to committee, no other resolution with respect to the same plan may be reported or (despite the provisions of section 104 (a)) be made the subject of a motion to discharge.

(b) If a resolution of the first House with respect to such plan has been referred to committee—

(1) the procedure with respect to that or other resolutions of such House with respect to such plan which have been referred to committee shall be the same as if no resolution from the other House with respect to such plan had been received; but

(2) on any vote on final passage of a resolution of the first House with respect to such plan the resolution from the other House with respect to such plan shall be automatically substituted for the resolution of the first House.

Mr. HOFFMAN. Mr. Chairman, these two amendments have but one purpose, and that is to require the usual, regular procedure on the part of the Congress before the proposed plan become law. Every Member of the House has received at least one copy of the proposed amendments and a statement giving my reasons for offering them.

There is a right way and a wrong way to do things. This House some time back adopted a wrong way, the way of granting blank checks—blank checks for money, blank checks for power. You all remember how we gave the late President a blank check for something like \$2,000,000,000. You all recall that later on the House tried to get rid of several Federal employees it did not want by putting in an appropriation bill a proviso that none of the money made available by that bill should be used either for the compensation or the disbursements of those named individuals. I recall one, and I cite it just as an example, David Saposs. He was over in the Labor Department when a bill came in before this House from the Committee on Appropriations. Acting upon the advice of that committee, the House overwhelmingly provided that no money appropriated by that bill should be paid to David Saposs. What happened? The President had authority to use a part of the blank check. Saposs was transferred, and he was kept on the public pay roll contrary to the will of the House and the Senate and paid by the President out of the blank-check fund.

Later on, another bill came in, and again the Congress by legislative action said that Saposs should not have any of the funds appropriated by that bill. But David got it. The President transferred him to another place and he drew Federal money from the blank check fund. I understand today he is abroad in the employ of the Federal Government although this Congress has twice said he should not have Federal money. I mention this incident, not as a criticism of Saposs, but as an illustration of what

happens when we follow the wrong way or when we grant blank checks.

Back in 1935 we passed certain labor legislation, the National Labor Relations Act, labor's magna carta, they called it. It was something of a blank check to the National Labor Relations Board authorized by it. That bill never was a fair, equitable bill. After its passage and when it was put into operation, the heads of all three great unions, John Lewis for the United Mine Workers, Philip Murray for the CIO, and William Green for the A. F. of L., all condemned the operation of it, the legislation itself, and the agency which administered it, and they said many a mean thing about it that was far worse than anything any employer or I ever said.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I prefer not to, if the gentleman will permit me to go on.

That is another illustration of how a blank check to an organization works out. We gave them authority to do certain things and they went ahead and discriminated at all times against the employers. And later on, when it came to jurisdictional disputes, they discriminated first against one union, the CIO, and again against the A. F. of L.

Finally both agencies condemned the act, organizations administering it and the result of the NLRB's decisions as being unfair, biased, and prejudiced. We have learned by bitter experience that the power granted has been misused, our trust betrayed, our confidence abused.

So why should we now continue that policy of granting a blank check for either money or power? And that is what this bill does.

Now, in addition to the blank checks given to the President, we require that in order to legislate, he have the endorsement of but one branch of the Congress, for example, the Senate. I want to say to my brethren on the Democratic side there is nothing partisan about these amendments or the argument. There is not a man on the minority side who has gone along with you gentlemen as have I. I never voted to ram down your throats the poll-tax amendment—never. Every time it came up, I voted against it. What did I get from the minority side? I got laughs and I got sneers. They said, "Those fellows over there are making a sucker out of you," and I guess you were—I guess you were. I voted against it not because I liked you but because I believed from the bottom of my heart that it was none of our business and that it was the business of the States, under our Constitution, to prescribe the qualifications of electors.

Again, when the FEPC came up, I voted with you gentlemen from the South. So what did they tell me over on the Republican side? "Oh," they said, "you are making heroes of those southern Democrats down in their communities and you are getting us kicked around in the northern cities." Again they were right.

But once more I voted the way I did, not to get your favor, not because I loved their criticism—I voted that way because I believe that the question of preventing

discrimination because of race, creed, or color, state of origin or ancestry, can never be solved, any more than the prohibition question can be solved, by legislation. It is a matter of education. It is a matter of Christianity. You can not legislate something into the mind and heart of a man that is not there and that he does not believe in.

You talk about the good neighbor policy. You sent Nelson Rockefeller and a host of others, with billions of dollars, down to South America to buy their good will. When are you going to practice what you preach? When, after your fine speeches about adherence to the Constitution and its principles, are you going to vote as you talk? When are you going to make your acts match your words?

My argument to you now is this: When are you gentlemen going to forget politics? When are you going to come along and under the Constitution perform your duty here of retaining in the House and in the Senate the power to pass and the responsibility of passing legislation? I am putting it up to you.

I do not mean to say that I am not going along with you, when, if ever, you are right but for once I would like to find you voting with me instead of always following along behind the tailboard of your cart. I am getting sick and tired of it.

I would like to see a little reciprocal trading on your part—an instance where you forgot your party and your party label and exchanged it for a vote to protect what you are pleased to term the American way of life; what I call the good old-fashioned principles of a Government consisting of checks and balances.

Yes, I will go along with you when I think you are right, no matter how you vote, but in all decency and all fairness, why should you not come across on this proposition?

You know very well that these two amendments are offered for the sole purpose of protecting the legislative functions of the House as prescribed in the Constitution. If word had come down from the administration to support them, you would have swallowed them with a smile and lauded them to high heaven and, had a Republican ventured to raise his voice against their adoption, he would have been the victim of your bitter criticism.

You know very well the Constitution provides that we here in the House, acting with those in the Senate, should pass legislation. Now what do you propose to do? What you want us to do now is just this: You want us to give the President authority to submit a plan. That is fine. No one has any objection to that. But you go further, and you say, when he sends that plan down here, it shall become the law if he can get the Senate to go along with him. I know what you are getting at. You think that, by some chance, the Republicans may carry the House at the next Congressional election; but you know that you can hang on to control of the Senate. So, for another 2 years, if this bill becomes law, the President and the Senate will become the law-making body, and the House, even if it have a Republican majority of a hundred, can twiddle its thumbs or sit on its hands.

Do you remember 2 years ago when we tried in the House to stop this custom of holding up food-laden trucks until the driver paid the union's price to use the public highways? Mr. Justice Roberts said that practice was no better than highway robbery. The unions charged the farmers for every truck load of food that went into the city. That bill went over to the other body and there it was killed.

What do we do today? If these strikes go on today—encouraged by the Wagner Act, the PAC, the Communists—if they should go on tomorrow and the day after, there may be a shortage of food in the city of Washington. We all hope not, but once again I point to that only as an illustration of what happens when you give someone a blank check, either of money or authority.

I ask, Why should we not here today reaffirm our allegiance to the Constitution? Why should we not go back to the old way, the proven way, the sound, safe way? Why should we not go back and say to the people who sent us here: "Yes; we will follow the Constitutional method. We will let whoever wishes introduce a bill or propose a plan, but before it becomes law we will require approval by a majority vote of both the House and the Senate."

That is all I am asking. There is nothing unfair about it. It is the patriotic way. It is the legal way. It is the proper way.

Will not you gentlemen today let your reverence for the Constitution, your feeling of loyalty to it, sweep you out of and above your adherence to party politics?

I ask each one of you individually how you can justify a vote which in effect ignores your responsibility for the enactment of legislation; which proclaims to the country that you will not longer support the constitutional way of enacting laws?

How ever again can you stand on the floor of this House and talk about adherence to constitutional processes if you today, by rejecting these amendments, shirk your responsibility, vote to destroy the constitutional provision that requires the affirmative action of a majority of both Houses before a proposal can become a law?

The CHAIRMAN. The time of the gentleman from Michigan [Mr. HOFFMAN] has expired.

Mr. JUDD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am sorry that the consideration of this amendment to the bill comes so late in the day, when everybody is tired, because I am convinced that in some respect this is the most important part of the bill. The people of this country are crying out against overgrowth, overlapping, duplication, and waste in Government. They are crying out against centralization of power. Yet in this very bill, in which we provide for reorganization with the idea of achieving economy and more efficiency and eliminating duplication, and so forth, we are making a vast grant of power to the President, without reserving for ourselves the right to pass on whether or not he uses that power wisely.

I am not afraid of granting him that power if we have a chance to review it. I want him to have the power. I know he is in a better position to provide a good reorganization plan than any of us here is, but I cannot believe that it is a wise or sound legislative policy, for us to make a delegation of power to the President to prepare a reorganization plan and then allow the plan to go into effect if only one House agrees, even though the other House disapproves it. That is the essential question, whether we want to have a plan go into effect with the approval of only one House, no matter how bitterly it may be opposed by the other House.

Every month each House passes legislation which then goes to the other body where it either is not taken up, or is considered and rejected. Does it become law just because one House approved it? Of course not. Yet, here we are commissioning the President to prepare a plan and submit it to the Congress, and if one House disapproves it 10 to 1, but it squeaks by in the other House by only 1 vote, it goes into effect and becomes the law of the land.

To do that is to abdicate our responsibility for making sure that the power which we have properly delegated, is wisely used, in accordance with the objectives we have laid down in section 2 of the bill. I am not suggesting any lack of confidence in the present President of the United States, because I personally have great confidence in his integrity and the soundness of his judgment; but no President or his advisers can be all-wise. That is why we have division of responsibilities under our Constitution. We in Congress have certain responsibilities we cannot escape. One of them is for the form, character, and functions of executive agencies.

Besides, this bill grants power that will exist until July 1, 1948. Is there anybody here who can be sure that the power will never be used by anybody other than the present occupant of the White House? Surely it is not improper to recognize frankly that every man's life is unpredictable. Nobody can be sure there will be no change in personnel or circumstances in the next 2½ years. It seems to me indefensible for us to make such a delegation of the responsibility and power which are ours without reserving the right to make final decision as to whether or not they are properly used.

Mr. KEFAUVER. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield.

Mr. KEFAUVER. In previous reorganization acts has there not always been some provision that there must be the affirmative approval of at least one of the Houses of Congress before the reorganization could go into effect?

Mr. JUDD. It is my understanding that in some of the legislation there has been a requirement of positive approval by Congress, or a provision that it would go into effect only if within a certain period there had been no disapproving resolution passed by either body.

Mr. KEFAUVER. But here we are going still another step.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I shall be pleased to.

Mr. WHITTINGTON. If my colleague will permit me to, I have here—

Mr. JUDD. I know what the gentleman is going to say, that the language in the bill is in accordance with the act of 1939.

Mr. WHITTINGTON. With the gentleman's permission I am going to say this, that in both the act of 1939 and the act of 1932 it was provided that if within 60 days no action were taken these orders automatically became the law. I am answering the question of the gentleman directly and by the record.

Mr. JUDD. Yes; and it was under that 1939 act that a thing happened which many people here believe was unwise—the transfer of the CAA into the Department of Commerce. That reorganization plan was disapproved, as I recall, by a vote of 4 to 1 in this House, but it was approved in the other body by a narrow margin and became the law, despite our objection. It was under that law which the House had disapproved that the CAA was placed under the Department of Commerce, so that it ceased to be a wholly independent quasijudicial agency and became subject to the control of the Secretary of Commerce, who is a political appointee. I hope we will cling to the principle of not allowing so important a plan as authorized in this bill to become effective unless both Houses have expressed their approval. If approval is given by both Houses, the reorganization will go into effect. If one House does not approve, then surely it ought not to go into effect.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. LAFOLLETTE. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, each person must, of course, approach this question as he sees it. I must support this amendment, but I reserve the right to present my own reasons for wanting to support the amendment, so that I will not be adopting those of anyone else. Again this is a question which is as fundamental as was that one which was present in the amendment which I offered heretofore and which was defeated.

I anticipate, because of the complexities of the economy in which we live, a time in the future when we are going to have to delegate more authority than we have heretofore delegated to the executive branch of the Government, if we are going to make our economy work. If we do that, I will not be one of the Members to quarrel, because I am not afraid of delegating authority to executives; but I want to preserve the purpose of the Congress of the United States, which I think was well designed when we created this Constitution, and that is that the Congress shall be jealous of the powers which it delegates and that it shall reserve to itself a clear and unquestioned right as a Congress to check constantly upon the action of the Executive.

I wish to appeal to those Members in this body who call themselves "liberal" and say to them that it is high time that being a "liberal" did not mean simply following a party line all the time; that it is high time that being a "liberal" on

the question of material things, on the question of economic things, is not the sole test.

There is not a person in this body who will go further than I in seeking a solution to the numerous problems that I think confront this country to give people greater comfort than they have heretofore enjoyed, but along with that the job of being a "liberal," as far as I am concerned, means paying attention to the means by which you attain the ends.

I issue the warning that those of you who grin at what I am saying today some day in the future either your children or your children's children are going to regret any action that you take that weakens the power of the Congress of the United States because it is the only check they will have upon abuse of authority which of necessity the Congress will have to give to the executive branch of the Government in the future, no matter what political party operates and controls this Government.

So I am asking you to preserve certain fundamental checks and balances without which you cannot operate or control a regulated economy in a democracy, as we understand that word. The greatest government ever conceived, as far as I know, is our American system, containing the powers and the checks and the balances inherent in the Congress.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

The Chair recognizes the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Chairman, ordinarily I feel that I should not intrude myself upon the deliberations of the Committee of the Whole; but we have started out here to try to pass a workable reorganization bill, and I repeat, a workable bill, one under which the executive department of the Government may reorganize the various departments of government. I may say in passing that the people of the United States, in my opinion, are very much interested in reorganization of the departments of Government, because they think it means two things, and I agree with them and hope that they will be brought about. First, it will mean more efficiency in government, and, second, it will mean economy in government.

If we are going to pass a bill to allow reorganization, then we should not throw stumbling blocks in the way that will prevent reorganization. The pending amendment provides:

That there has been passed by the two Houses a concurrent resolution stating in substance that the Congress favors the reorganization plan.

If this amendment is agreed to, if I can read and interpret legislation correctly, we will be back exactly where we are now, for the simple reason that the Congress by a joint resolution or by a bill, going through the same labor that it would in passing a concurrent resolution, could reorganize these departments itself, and, in my opinion, may I repeat, if the pending amendment is adopted you might just as well strike the enacting clause out of the bill, because delays might defeat a reorganization, delay can defeat a reorganization, and it is easy to

delay in the House, and it is easy to delay in the Senate.

Mr. Chairman, I call your attention to the fact again that if this amendment is adopted we are back exactly where we started, because the Congress would, in effect, have to legislate just exactly like it does now.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. I yield to the gentleman from Michigan.

Mr. HOFFMAN. There is no change made in the procedure provided in the bill except the change that the House must express its approval. The language that the gentleman is talking about, with the exception of two or three words, is in there now and there can be no delay under the bill either as written or as amended.

Mr. RAYBURN. The Congress might adjourn, it might filibuster.

Mr. HOFFMAN. I am afraid the gentleman does not understand the amendment.

Mr. RAYBURN. I understand the amendment all right. I saw the amendment day before yesterday. I repeat, if this amendment is adopted, we are in the same position practically from a legislative standpoint and from a reorganization standpoint that we are in now.

Mr. VORYS of Ohio. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, when the gentleman from Texas came down from the rostrum and spoke from the floor, he showed that he was subject to the same frailties that any of the rest of us are. He made a statement about the effect of this amendment which he had to amend and which I want to further amend. The 60-day limitation or speed-up or streamlining of legislative action, title II, remains in the bill under the Hoffman amendment. All that happens under the Hoffman amendment is that you must have two Houses favoring it instead of having a situation that we faced here in this Chamber when we voted down decisively the reorganization plan with Democratic votes, and the plan went into effect in spite of our action. This bill is really misnamed. It is called a bill for the reorganization of the executive departments. It does not provide any mandatory reorganization of any department at all. This bill should properly be called a bill for the reorganization of Congress. I am for the streamlining of Congress and bringing about more rapid action. If we adopt this amendment and preserve the all-important and elaborately worked-out rules for the House and for the Senate in title II, these rules will prevent filibusters and delaying tactics in either body, and the gentleman from Texas is wrong. There are no provisions for delay in this amendment, if adopted, title II is preserved. With the provision for the speed-up in the reorganization plan we have taken a great step forward. Furthermore, we have done it in a constitutional way.

Let me read the words of former Attorney General Mitchell, the opinion which has been kicked around as if it in some way upheld this one-chamber proposition that is in this bill now. The Attorney General's opinion, which is

obiter on this whole subject, had to do with whether the Committee on Ways and Means could reserve power in legislation to review tax refunds. Here is what the Attorney General said on page 63 with reference to whether legislation permitting a review of an administrative act would be valid:

No one would question the power of Congress to provide for delay in the execution of such an administrative order, or its power to withdraw the authority to make the order, provided the withdrawal takes the form of legislation.

What we have done here is to put the withdrawal of approval of an Executive order, if a mere executive suggestion for reorganization may be called an order, in the form of legislation by action of both Houses. What we are doing by title II is to speed up by vote of both Houses, if this bill passes both Houses, the method by which these reorganization plans can be considered so that there can be no delay and there can be no filibuster. What we do when we pass the Hoffman amendment is simply to provide that our review shall be legislative. If you will read the words of the Mitchell opinion, which have been quoted so much, you will find that anything less than legislation to review an administrative order is unconstitutional. So, therefore, I urge, at a time when representative government is on trial all over the earth, that we take this step to streamline our Government, yes, but to preserve our integrity and our independence as a body under our Constitution.

Mr. MANASCO. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

Mr. CHURCH. I object, Mr. Chairman.

Mr. SUMNERS of Texas. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, my distinguished friend who has just taken his seat has favored the proposed amendment because he suggests that because it is a concurrent resolution by both Houses it does not violate the judgment of the former Attorney General because the fact that both Houses concur in passing the resolution of disapproval makes it a legislative process. With all due respect to my friend, I beg to call attention to the fact that a concurrent resolution is not a legislative process. Legislative process requires the approval of the House and the Senate and the President to make a law. There are the exceptions with which you are all familiar, of course, holding a bill too long or having the objection overridden.

It seems to me that we might compromise and do anything that ought to be done. This is no contest between the Houses of Congress and the President. As a practical matter the Houses of Congress cannot reorganize these executive agencies. Members of Congress do not have time to do it. That job has to be delegated to the President or rather to the executive branch of the Government. Both Houses must concur in the delegation of that power. Each House could refuse to delegate the power as completely as if it were the entire Congress. It is in entire harmony with that dis-

tribution of governmental power and responsibility for each House to retain in itself that same power, when it comes to examine and pass. The executive branch of the Government has discharged the commission from the Congress to prepare and submit plans of reorganization. In order to effectuate that arrangement we would provide that either House could pass a resolution of disapproval and then the reorganization would not go into effect. It ought not to go into effect if either of the delegating Houses disapproved the result of the action of their agent. It must be borne in mind that that is a legislative duty which has been delegated to the President. It would not be any evidence of disrespect or lack of confidence to provide for approval by the Houses of Congress before the plan of reorganization goes into effect. I feel sufficient opportunity would be afforded if affirmative approval be not required, but there be retained in this law to each House the power effectively to disapprove. That arrangement ought to give assurance to those who are concerned that the bill not go into effect if it does not meet congressional approval, and would remove any apprehension that there might be a filibuster somewhere which would prevent an expression of legislative judgment. I understand there is some effort in this bill to establish rules of procedure which would govern each House in the consideration of the concurrent resolution provided for in this bill. I do not know what may have been held on that point but I do know that each House of Congress is as sovereign and independent of the Congress with reference to its rules as is the House of Commons independent of the Congress.

Some doubt is expressed as to the constitutionality of the provisions which attempt to make laws terminable upon the passing of these resolutions. I have no doubt as to the constitutionality. There would be no attempt anywhere to repeal legislation by these resolutions or by anything that might be done later on. This provision for such termination is incorporated into the law, it is a part of the law. It is a provision that upon the happening of a certain contingency, agreed to by the House, agreed to by the Senate, and approved by the President, the law would terminate; it becomes a part of the law. If you provide in this law that on the happening of a certain contingency, namely, the adoption of a resolution by the House or the Senate that it does not favor a reorganization that contingency becomes a part of the law, and on the happening of that contingency the plan does not go into effect.

It is a good thing in connection with all these extraordinary powers that are conferred upon the Executive that the legislative branch holds a strong grip on these powers. It is a good arrangement all around. First if such control is retained there will not be withholding of such power which the public interest requires they exercise, because they would remain under the control of the Houses of Congress to which they belong. That power ought to remain here. It ought to remain in the House and in the Sen-

ate. We ought not to be afraid to delegate to the President powers which the Houses of Congress cannot well exercise and the President can be assisted in the discharge of these delegated powers by the retention by the Houses of Congress of responsibility, helpful responsibility, under our system of government.

Mr. HALLECK. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I suspect that I have talked more than my share of the time on this measure. If I have done that, it is because I have some very deep convictions about this whole proposition.

As you know, I contended as vigorously as I could for the exemption of some of the great independent agencies of the Government. It seemed to me, and I still believe, we owed it to ourselves and to the country to protect the independence of those agencies and to see to it they are not hereafter subjected to political control and domination. However, the majority of the membership did not see that as I saw it.

Now, we come to this further question. Having refused to exempt these agencies, what further responsibility do we have to see to it that the proper safeguards are reserved to the Congress of the United States in connection with this great grant of authority? The accomplishment of worth-while reorganization is a fine objective for which we strive, and I likewise strive with you. But what are we doing? As the gentleman from Texas pointed out, normally it takes an affirmative vote of the House and of the Senate and affirmative action by the President, or lack of negative action, in order that a measure become law. Many of these agencies that will be affected by this legislation if it becomes law are creations of the Congress of the United States.

How far shall we go in our effort to accomplish this worthy objective? First of all, we transfer the legislative power, or at least the legislative initiative in the first instance, to the executive branch of the Government. The executive initiates action, the executive plans it, the executive outlines the plan and sends it to the Congress. What do we get for that in return? We get for that the veto power, the power which under the Constitution normally lies within the executive branch of the Government.

Some might contend that to get reorganization we should go so far as to say to the Executive, "Here is a complete blank check. Do what you will with any agency created by the Congress. But whatever it is, we say beforehand that it is all right." How many of you would contend for that sort of thing? I dare say very few.

Now, what is the next step we can take? We can say, "Mr. President, we give you power to initiate this program. We admit our lethargy, but we are not going to let it become effective if either House objects or rather if a concurrent resolution of the Congress is not enacted within a fixed time approving the subjected plan."

Or we could provide, as the committee says we should, that unless both Houses

affirmatively reject the plan, then it shall become effective.

Now the only thing I want is that when we trade the legislative power for the veto power we do not get short changed. Under the committee proposal, we are going to be short changed. We are going to put ourselves in a position where the Executive by obtaining the assent of one body of the Congress can tear up and destroy and subject to political domination the agencies we ourselves have created and for which we should be responsible.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. KEFAUVER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I hope that either the Hoffman amendment or the amendment offered by the gentleman from Minnesota [Mr. JUDD] will be adopted. We created these agencies for good purposes and to perform some particular service. If we just retain only a negative veto power over what the President may do, we have no real assurance that our legislative intent as to whether the agencies are to be continued or what is to be done with them will be able to find expression. I think we might as well admit the facts of the case, that we are delegating power to reorganize because the Congress does not have a staff sufficient to give us the facts which would enable us to intelligently reorganize the departments. We do not have the staff to find out all the things these agencies are doing and what kind of reorganization we should have. Therefore, we delegate to the Executive the power to recommend reorganizations.

The La Follette-Monroney committee is going to make its recommendations on the strengthening of Congress. We hope that they will recommend that the committees of this Congress have adequate, well-equipped staffs to study the make-up of these departments and agencies, to see whether they are actually functioning properly; to see whether there are overlapping functions, and to see whether consolidations and mergers should be put into effect.

So it seems to me that since Congress will probably soon be in a position to do this work itself, we should not at this time turn the whole thing over to the President. As I said before, I do not have any fear about any particular agency under President Truman. This is an unhealthy and undemocratic precedent we are about to establish. The people expected us to create these agencies and they expect us to see that they continue to operate for the purpose for which they were created. We should have our committees strengthened. Let us get better staffs, so that we can study the work of these agencies and have a larger share of determining what reorganizations should be accepted. I think we will be able to pass on the matter effectively. I am not in favor of retaining only a negative vote. I think both Houses should say whether these reorganization plans should go into effect, or at least one House should speak affirmatively.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. GALLAGHER. I just want this House to understand that Congress still holds the purse strings and still has power.

Mr. KEFAUVER. Yes; but we should have control over their organizational make-up.

Mr. RICH. Mr. Chairman, possibly it would be the right and proper thing for Congress to approve any changes that are made. If the Congress must approve them before they are made, you will see more lobbying by Government departments in this House of Representatives than you have ever seen in all your lives. Every department of Government will be here on your neck as soon as the President makes a proposal to do something to try to cut down, consolidate, or eliminate some of the departments and functions of Government. You will not get any place by adopting these amendments. I am not for them, because I am for consolidation of departments and bureaus, and elimination of functions so as to get economy in Government operation which is imperative if we are to keep from going into bankruptcy.

Mr. HOFFMAN. We have listened to you for 8 or 9 years yelling against blank checks on the Treasury and on the taxpayers, and now you come along and advocate giving a blank check to the President for arbitrary power.

Mr. RICH. I told you yesterday that if this was 6 months ago I would not do it. I know if you are going to save this Nation, if you are going to get any economy in Government, if you are going to reorganize, the only way to get results is to do it this way, even if it is the wrong way, because I do not have the faith in Congress that they will do it. They are afraid to do the job. That is the reason I am going to take a chance on President Truman. If he does not do it, God save America. Its top-heavy Government will swamp us and the New Deal is responsible for that.

Mr. LAFOLLETTE. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. LAFOLLETTE. I would like to say to the gentleman that as far as I am concerned I am not willing to abandon the principle on the admission that the people of this Congress are not capable of doing their duty.

Mr. RICH. I am admitting it. That is the difference between you and me.

When I have seen lobbying as I have seen it here in the last 10 years I am forced to stop and think, for all too often when Members are approached by these people in the departments they yield, and we do not get any place; in other words, we have a wishbone instead of a backbone. They do not do the best for the Government; they think too much of themselves.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to my colleague from Illinois.

Mr. CHURCH. The gentleman has said, has he not, that this is the last time he will give away that power? Did not the gentleman on yesterday say this

is the last time he would give away that power?

Mr. RICH. I have never given it away before; since I have been in Congress I have always been against giving it away. The reason I am trying it now is in an effort to save America from the results of a Congress that tried to spend the Government into prosperity and who dreadfully failed.

Mr. CHURCH. The gentleman said this was the last chance.

Mr. RICH. This is the last chance; yes; this is the last chance for America to save herself. If she does not save herself now, God will have to save her, because Congress never will, so far as a reorganization is concerned of the Government. The right way will not get results, so I am trying this one. It cannot make conditions worse.

Mr. JUDD. Did the gentleman ever hear what the reichstag did when it lost faith in itself?

Mr. MCCORMACK. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, let us review a little of the history of reorganization in this very Chamber. We hear allegations about abandoning the republican form of government unless this amendment is adopted. To a person in the gallery or to a person reading the newspapers it would appear that this provision of the bill was a new proposition in this body. I was a Member of this body in 1932 when former President Hoover recommended a reorganization bill.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. MCCORMACK. I yield.

Mr. HALLECK. As I remember it, the 1932 act under which Mr. Hoover sought to reorganize the Government provided that the reorganization proposal could be defeated by a negative vote in one body of the Congress. Is not that correct?

Mr. MCCORMACK. I am coming to that.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. MCCORMACK. I yield.

Mr. WHITTINGTON. That act provided that unless we took some action, the reorganization went into effect.

Mr. MCCORMACK. The gentleman is correct.

Mr. HALLECK. Mr. Chairman, will the gentleman yield further?

Mr. MCCORMACK. I cannot resist the gentleman from Indiana.

Mr. HALLECK. The suggestion made by the gentleman from Mississippi would, of course, indicate the pattern that has been suggested by the gentleman from Minnesota [Mr. JUDD].

Mr. MCCORMACK. Now, let us look a little at the history of this legislation.

Mr. HOFFMAN. Mr. Chairman, will the majority leader yield for just one question?

Mr. MCCORMACK. I yield.

Mr. HOFFMAN. Does the gentleman remember that not so long ago, the distinguished Speaker of the House and the gentleman from Massachusetts himself, took the floor and told us that unless we passed the work or fight bill we were just gone? It went over to the Senate and they buried it. How about that?

Mr. McCORMACK. What has that to do with this?

Mr. HOFFMAN. It just indicates that the gentleman is not a good prophet; that is all.

Mr. McCORMACK. That does not necessarily follow; I will place my record on prophecy over the years against that of the gentleman from Michigan; but let us look a little at the history of reorganization.

In 1932 former President Hoover, who was elected as a Republican, but who was my President nonetheless, recommended a reorganization bill. We delegated the power to him. In that case it became the law after 60 days unless one House rejected it, but the principle of delegation of power to the President was involved; that is the basic question. In 1939 we passed another reorganization bill, and the very provisions contained in this bill were contained in that bill; so we find that on at least two previous occasions, this very body has passed reorganization bills with the principles of delegation of power to the President of the United States involved in both; in one case to a President elected as a Republican, and in the other case to a President elected as a Democrat.

Mr. PLOESER. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. PLOESER. The gentleman does not contend that those are identical provisions, does he?

Mr. McCORMACK. The question of delegation of power, the basic proposition is that there was a delegation of power.

Mr. PLOESER. Would the gentleman accept the 1932 provisions in this bill?

Mr. McCORMACK. This is an improvement over the 1932 provisions.

Mr. PLOESER. That is the gentleman's opinion.

Mr. McCORMACK. This provision follows out the very recommendations made by Attorney General Mitchell when he criticized, as I remember it, a provision confining it only to action of one House. He said in substance it should be taken up in both Chambers.

Mr. PLOESER. Will the gentleman yield further?

Mr. McCORMACK. Certainly.

Mr. PLOESER. I just want to make it clear that the gentleman's contention that this is following the pattern of 1932 is not actually true.

Mr. McCORMACK. The important fact remains that in 1932 there was a delegation of power to the then President of the United States.

Mr. PLOESER. The House gave up its power?

Mr. McCORMACK. Oh, no.

Mr. PLOESER. Not under the 1932 bill.

Mr. McCORMACK. The gentleman is trying to quibble over details. The basic question involved was delegation of power and on several occasions in the past the Congress of the United States has passed reorganization bills delegating powers, in my time in this body on one occasion to a President who was elected as a Republican and on another occasion to a President elected as a Democrat. As a matter of fact, we passed another

reorganization bill, as I remember it, either in 1933 or 1934, and there was a complete delegation of power on that occasion, which delegation of power was not abused.

Let us look frankly at the situation. If we were doing the right job the Congress would reorganize, but we know from a practical angle that it is difficult for the Congress to do it. I can remember within the past 4 or 5 years in the Commonwealth of Massachusetts, the Massachusetts Legislature passed a reorganization bill giving to the Governor complete delegation of power. I supported it on that occasion. The Governor is the chief executive of the State and is the head of the executive branch of the State. The President is the Chief Executive of our country and the head of the executive branch of the United States Government. What better place to delegate power in connection with reorganization of the executive branch of the Government than to the head of that branch, in the case of the State the Governor and in the case of the United States the President?

We have to do it from a practical angle. We realize there are practical difficulties that prevent any legislative body from bringing about an effective reorganization. You and I are practical legislators and we have to view this question from a practical angle. I will agree that theoretically the legislative body, the Congress of the United States or the legislature of a State, should do it, but then there are the practical difficulties that we all know exist. We are placing it in the hands of a man elected in the case of a governor of a State by the people of that State and in the case of the President of the United States, elected by the people of the United States through our electoral systems.

This bill is carefully couched with protective language. The provision is the same as contained in the 1939 act. The basic question of delegation of power is the same as the 1932 act. I hope the provisions of the bill will be supported by the Committee of the Whole and that the Hoffman and Judd amendments will be defeated.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WHITTINGTON. Mr. Chairman, I ask unanimous consent that all debate on the pending amendments and all amendments thereto be limited to 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee [Mr. JENNINGS].

[Mr. JENNINGS addressed the Committee. His remarks will appear hereafter in the Appendix.]

The CHAIRMAN. The Chair recognizes the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Chairman, I rise merely to verify something that I hope is true. A short time

ago Colonel Taylor of the American Legion called me and asked if I thought that the Veterans' Administration would come under the provisions of this bill. He said the American Legion was very much opposed, and I could quote him as saying that it was opposed to having the Veterans' Administration come under the provisions of this reorganization bill. I told him I thought the Veterans' Administration was exempted. Is that correct? I want to get the facts into the RECORD.

Mr. MANASCO. The Veterans' Administration is not excepted from reorganization, but if a reorganization plan is put into effect and transmitted to the Congress then that plan must come up separately. We have the right to vote it up or down on its own merits. I am sure the gentlewoman will recall that the Veterans' Administration was recently reorganized under the provisions of the War Powers Act. If this bill is not passed, the recent reorganization will die 6 months after the expiration of the first War Powers Act.

Mrs. ROGERS of Massachusetts. Can the Veterans' Administration be reorganized into another department under the provisions of this bill?

Mr. MANASCO. No, it cannot.

Mrs. ROGERS of Massachusetts. That is my understanding. As the gentleman from Tennessee knows I have a reorganization bill before his committee, which would create a veterans' department with a cabinet position. He has promised me a hearing.

The amendment of the gentleman from Michigan would serve as a safeguard against having the Veterans' Administration reorganized without the approval of both the House and the Senate. As it is not exempted I think the Veterans' Administration would be exempted from the provisions of this bill and I hope the Senate will take action to exempt it. The Veterans' Administration should be reorganized under a separate law approved by both the House and the Senate.

Mr. WHITTINGTON. Mr. Chairman, I ask unanimous consent that the balance of the time allotted to the gentlewoman from Massachusetts be given to the gentleman from Texas [Mr. GOSSETT].

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. GOSSETT].

Mr. GOSSETT. Mr. Chairman, I just want to make the observation that we have delegated time and again power to the President to create bureaus and organizations. This bill seeks to delegate to him power to destroy them. I have been amazed and distressed by the crocodile tears that have been shed here over what some allege to be an abrogation of legislative power. We have abrogated powers time and again for affirmative action in the creation of bureaus and agencies. Now we seek to delegate power to destroy them.

If we are going to hamstring the President and require any affirmative action by this Congress, we are not going

to get any reorganization. Let us just be honest and sincere in this matter and give the President a chance. He says he will do the job, and if he does not do it, the responsibility is his. I would not say that any of my friends on the left would want to play any politics, but if you do, then put some responsibility on the Chief Executive and let him act; if he does not act, the responsibility is his. You could then rightfully criticize for inaction.

We know what happens in this Congress when the departments come up here and lobby for exemptions of one kind or another. Let us not impose a handicap or an obstacle in the way of effective reorganization. Let us give the President a chance to reduce some of these bureaus and agencies, to stop, if you please; this disastrous mushroom growth of bureaucracy.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. KEEFE].

Mr. KEEFE. Mr. Chairman, in answer to the argument just made, I do not believe the gentleman from Texas is so naive as to believe that argument has very much force. When this Congress delegated power to the Executive to do certain things the Executive by Executive order created certain agencies of Government, and the President by the same token of the use of the Executive order has stopped, obliterated, and transferred those agencies at will and is doing so today.

The difference that the gentleman from Texas and many others do not seem to appreciate is this: If we pass this legislation without this amendment we are saying to the President of the United States, "You have the power in the reorganization of Government to destroy or change or separate or transfer the functions and powers of every single department and agency of Government, including those that this Congress has created by legislative enactment that are creatures of the law and not creatures of Executive order. All that is necessary for you to do, Mr. President, is to submit that plan and have the affirmative approval of one branch of the Congress."

I believe in reorganization and I tried in my small way as a member of the Committee on Appropriations to bring about some reorganization through the medium of control of the purse. But I want you gentleman to understand, my good Democratic friends, that you are now asking for reorganization and you want the President to have the right to respond to the overwhelming demand that is sweeping this country today, but you cannot get away from your old policy of turning everything over to the Executive saying, "Now you do it and we will wash our hands of it." You have even converted my good friend, BOB RICH, to that philosophy—BOB RICH, who has stood here now for 9 years or more and argued every day on the floor of the House. He has now been converted to the philosophy that the Congress of the United States does not have the capacity or the ability to handle this proposition and, therefore, it must be turned over to the lawmaking drafters in the executive departments.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I do not yield.

Mr. RICH. The gentleman spoke about me.

Mr. KEEFE. I do not yield.

Mr. Chairman, we all know that the difficulty has been this. Suppose that the gentleman from Massachusetts, the distinguished majority leader, brought a reorganization bill here, a proposal to reorganize the departments of government, and suppose that bill went before a legislative committee and hearings were held and it came on the floor of the House. You could pass it if you wanted to, could you not? You have the votes. You would have no difficulty if you truly meant to reorganize in the public interest. You have had the power for 10, these 12 years to do that very thing. I want to warn you, gentlemen, I cannot go along with this thing because I know that the action we are taking today is a surrender of congressional power and authority and is the very road along which they traveled over in Nazi Germany when the legislative functions were all merged into the authority of one man. I am not going to stand for that so far as my vote is concerned. I think the people of this country are asking that the Congress reassert its power and that the Congress make this reorganization. You and I were elected on that platform. Let the President submit his plan to the entire Congress and let both Houses of the Congress, the people's representatives, say whether they approve or disapprove. To do otherwise is to admit that representative government has failed.

The CHAIRMAN. The gentleman from Mississippi [Mr. WHITTINGTON] is recognized.

Mr. WHITTINGTON. Mr. Chairman, an affirmative concurrent resolution is substantially specific legislation to provide for reorganization. It is substantially, as the distinguished Speaker of the House has said, passing legislation for reorganization by the Congress in the first instance. We have not passed it. No Congress heretofore has passed it. We have been debating this measure for 2 days, and I think we settled that matter when we adopted the policy declared in section 2 of this bill. Congress declares in the second section of this bill that reorganization could be effected by a delegation of powers with a definite standard and a definite subject matter better—and I quote from the second section which we approved—"can be accomplished more speedily thereby than by the enactment of specific legislation."

Let me tell the gentlemen who say we give to the President blanket authority, that we passed the First War Powers Act without a dissenting vote as I recall and without a single safeguard provided by this bill. He has the power to reorganize without complying with any of the conditions suggested by the gentleman from Texas [Mr. SUMNERS] without reporting to Congress. Now let us be practical. The executive, legislative, and judicial branches are coordinate branches of the Government. We say to the President, "Within these

standards and with this subject matter, we confess we have never reorganized; we ask you, a coordinate branch of the Government, to submit a plan." Can we say any more or less for President Truman than we did, with propriety, in dealing with President Hoover and President Roosevelt? We say, "Mr. President, under the Constitution and laws, we have delegated this power to you. But these are peacetime agencies and we reserve two safeguards. You cannot combine Cabinet departments. We have got to have 60 days. Mr. President, with all deference, although you have done something that we ourselves confess we have never done and probably never will do, we reserve the right, with all deference to you as a coordinate branch of the Government, to disapprove." That is what the bill does.

I repeat that under the act of 1932 it was provided that after the expiration of 60 days, if there were no action by either branch of Congress, President Hoover's reorganizations would have become law. The pending provision that we are now asked to amend, to provide that we will go up the hill again, after delegating the power, is in the exact language of the Reorganization Act of 1939. It contains cloture. It has worked. It has been tried and tested. There is no question but that both branches of Congress can express themselves, and if both branches in 60 days disapprove the plan, the plan does not become the law. Let me ask you now, why discriminate? President Hoover asked for the power. He was a coordinate branch of the Government. So is President Truman. You are unable to do something as an individual and you ask a neighbor to do the job, and then you do him the fairness to say, "I reserve the right to disagree or disapprove. That is what we did for President Hoover, and for President Roosevelt. For my part I propose to be as fair to President Truman as I was to his predecessors."

I trust the amendment will be defeated.

The CHAIRMAN. The time of the gentleman has expired.

All time has expired. The question is on the amendments offered by the gentleman from Michigan [Mr. HOFFMAN].

The question was taken; and on a division (demanded by Mr. Judd) there were—ayes 111, noes 145.

So the amendments were rejected.

Mr. BENDER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, considerable has been said regarding President Hoover's position on this legislation.

The present bill contains almost the exact principle of such reorganization and consolidation enumerated in a message by President Hoover to the Congress on February 17, 1932. At that time he proposed that—

Authority to * * * the President to effect these transfers and consolidations * * * by Executive order, such Executive order to be before Congress for 60 days during sessions thereof before becoming effective, but becoming effective at the end of such periods unless the Congress shall request suspension of action.

In that message, President Hoover advocated the consolidations upon the principle of major functions of the different agencies. Following this message, an authority was passed on June 30, 1932, by a Democratic Congress but provided that such Executive orders should not become effective unless Congress should approve them. This completely reversed President Hoover's proposal and in effect threw the whole business back into Congress. Nevertheless, he laid before Congress Executive orders consolidating 58 functions into 9 divisions. They were not confirmed and he stated publicly at that time that there would never be effective reorganization unless the original proposal was adopted. The Hoover principles are at last adopted in this bill, including the principle of consolidation according to major functions. If you look up the debate prior to the passage of the act of June 30, 1932, you will probably find that Republicans supported Hoover's principles and Democrats opposed them.

I have in my hand a letter written by ex-President Herbert Hoover on October 1, 1945. I read it to you:

DEAR MR. CONGRESSMAN: I have your request for my views on H. R. 4129, giving authority to President Truman to reorganize the executive departments. There should be further clarifying exceptions of some quasi-judicial agencies but with that reservation I heartily favor the bill.

Incidentally that proposition was provided for in the amendment offered by the gentleman from Indiana [Mr. HALLECK]. Mr. Hoover stated further:

Six successive Presidents over 35 years have recommended such reorganization. The overlap, waste, and conflict of policies between executive agencies have been a scandal for the whole 35 years.

Yours faithfully,

HERBERT HOOVER.

Mr. JUDD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JUDD:

On page 8, line 25, strike out the words "the two Houses a concurrent" and insert in lieu thereof the words "either House a."

On page 9, line 1, strike out the words "the Congress" and insert in lieu thereof the word "it." So that after the semicolon in line 23, page 8, the section will read:

"But only if, between the date of transmittal and the expiration of such 60-day period, there has not been passed by either house a resolution stating in substance that it does not favor the reorganization plan."

Mr. JUDD. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. JUDD. Mr. Chairman, there are two ways of accomplishing what I believe the majority of the Members of the House wants to do—that is, to continue the long-standing and tested legislative procedure whereby no action is taken under the authority of the Congress unless it has the approval of both Houses of the Congress.

The first method was that provided in the Hoffman amendment, requiring approval of a reorganization plan by af-

firmative vote of both Houses. The committee has rejected that amendment. The second way of accomplishing the same thing is provided in my amendment. Under it the plan submitted by the President will go into effect automatically unless within 60 days one House or the other passes a resolution disapproving the plan. That is the power we gave to Mr. Hoover, and inasmuch as the gentleman from Mississippi and others have just been objecting that the Hoffman amendment would not give the President the same power we gave to Mr. Hoover, I hope they will come along and approve of giving to the present President exactly what we gave to Mr. Hoover.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. I stated that what we did in the case of the Hoover reorganization was to provide that if action was not taken, automatically the reorganization became the law.

Mr. JUDD. Yes, but we also provided in it "that if either branch of Congress within 60 calendar days shall pass a resolution disapproving of such Executive order, or any part thereof, such Executive order shall be null and void to the extent of such disapproval."

Mr. WHITTINGTON. I did not discuss the other, but I will be glad to try to discuss it further.

Mr. JUDD. That is essentially the provision I want in this bill, the one that was in the 1932 act authorizing Mr. Hoover to reorganize. He could not do it if either House disapproved. I do not believe any President should be able to. Such a provision was in the original bill introduced by the distinguished chairman of our committee, the gentleman from Alabama [Mr. MANASCO]. We discussed it in committee and I favored it, but some said it had been declared probably unconstitutional by Attorney General Mitchell, so I did not press it at that time. I wish I had, because I have been working on it since and, while I am not a lawyer myself, I have a good deal of expert testimony here from men who are, and they believe it is wholly constitutional.

On March 8, 1939, when the 1939 act was being discussed in the House, the gentleman from Texas, the distinguished chairman of the Committee on the Judiciary, submitted an amendment essentially the same as my amendment and he said:

In view of the fact I understand there is some notion of constitutional difficulties about having one House opposed to a proposed plan of reorganization to prevent its consolidation, I venture the opinion, and I have no uncertainty about it, that we may provide just as well for a resolution by one House to prevent a reorganization, from a constitutional standpoint, as we can by a resolution by both Houses.

The committee bill before us provides in section 6 that only a concurrent resolution by both Houses disapproving a reorganization plan can prevent the plan from going into effect. Presumably, the committee thinks that is a constitutional provision. The gentleman from Texas

says that it is just as constitutional to provide, in the basic law setting up the whole machinery, that the plan can be prevented from going into effect by a simple resolution by one House as it is to provide that it can be prevented from going into effect by a concurrent resolution by both Houses.

Later in the debate the distinguished gentleman from Georgia [Mr. Cox] took the floor and discussed this Mitchell opinion, stating:

Some misunderstanding as to the application of the Mitchell opinion to the question before us grows out of the fact that there is a difference between the bill before the Congress in 1932 and the bill that is now before us. In the legislation of 1932 legislative power was being delegated to the President to provide for reorganization by Executive order. We have conferred no legislative power on the President in this bill.

That difference exists in the case of the bill before us today. If you examine every word you will nowhere find that legislative power is given to the President to reorganize by Executive order.

He is directed to investigate the organization of all agencies, to determine what changes are necessary to accomplish certain stipulated purposes. Then he is directed to prepare a reorganization plan; to transmit the plan to Congress; to state how much money he thinks it will save; and to specify under what laws any functions which he thinks should be abolished were authorized. Nowhere is he empowered to issue orders. So under the language of the bill we are not granting any legislative power to the President. He has no power to act to reorganize until and unless 60 days have elapsed after transmittal of the plan to Congress without the passage by both Houses of a concurrent resolution stating that the Congress does not favor the plan. Thus disapproving the plan would not be vetoing an administrative act.

May I continue with the quotation from the gentleman from Georgia [Mr. Cox]:

Attorney General Mitchell rendered an opinion that an Executive order made under the grant of legislative power could not be vacated or set aside by any congressional action short of legislation. It is perfectly apparent to the membership of the House that this bill was drawn with the view of naming the President as the ministerial agent of the House rather than vesting in him legislative power, and therefore the provision contained in this bill whereby Congress may vacate any action taken by the President by concurrent resolution is perfectly valid, because it is a condition subsequent and is a part of the law itself.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. WARREN. Yes.

Mr. SUMNERS of Texas. I ask my distinguished colleague if there is any difference between the constitutional status of a concurrent resolution and a resolution by one House.

Mr. Cox. Let me say to my friend that because of the great concern of my colleagues on the Reorganization Committee, the gentleman from Missouri [Mr. COCHRAN] and the gentleman from North Carolina [Mr. WARREN], I experience great embarrassment in answering the gentleman's question, and yet I must not take the attitude of trying to conceal any honest opinion that I may entertain with respect to the proposition.

I say to the gentleman, in answer to his question, that there is no difference whatever; that if it is within the competency of Congress to provide for vacating a plan that might be submitted under the bill by the President, by a concurrent resolution, it is of course equally within the right of Congress to provide that the order might be vacated by a simple resolution of either body.

Can anyone refute that argument? If it is constitutional for us to provide, as the bill does, for rejecting a plan by a concurrent resolution by both Houses, then surely it is constitutional for us to provide for rejection of a plan by a single resolution by one House.

So it seems to me that there can be no question about my amendment being unconstitutional. Under the bill as so amended we would merely be directing that the President prepare, according to our yardsticks, a plan and submit it to us, and that the plan would go into effect after 60 days if within that time there had not been passed by either House a resolution disapproving. If either House disapproves the plan, it is not vetoing any action or order by the President. He will not have issued any orders. The House will merely be adopting or not adopting the plan he submits. Only after 60 days without disapproval by either House would he have power to issue reorganizing orders.

Under the amendment the plan will not go into effect if a majority of one House votes against it. If a majority of either House votes against it, I do not think it ought to go into effect, and it is hard for me to believe the majority of the Members of the House think otherwise. The reasons for disapproval will be brought out in the debate. Reorganization will not be killed, as you have been told this afternoon. The particular plan will merely go back to the President for such modification as will remove or reduce the objections, and the plan can then be resubmitted.

When Mr. Smith, the Director of the Budget, was before our committee, I asked him what would happen if the Congress approved parts of a plan but disapproved other parts.

Would it be possible to reject part, or would we have to disapprove the whole thing? He replied, on page 27 of the hearings:

I believe, the way it is drafted, you would disapprove all of it, and the Executive would have to come back with a new plan.

Later he said on the same subject:

The Executive would have to submit another plan, and undoubtedly the debate on the plan submitted and turned down would be a fairly clear indication of the objections of the Congress to the plan submitted.

So it simply is not true that adoption of this amendment means killing all reorganization or making reorganization impossible, as has been claimed. We would merely be saying to the President that we do not agree with certain parts of a particular plan, and we ask him to take it back, revise it, and bring it to us again. He has over two years and a half in which to make any desired changes.

Let him send down the best he and his advisers can devise and we will consider it. It will not be perfect; of course not. How many bills are sent here that

we do not have to make some changes in; or how many bills are prepared by committees of this House that are not revised again and again? Why jam through a reorganization bill without each House having a chance to send it back, if it desires, for revision in certain respects? Nothing else becomes law if one House of the Congress disapproves. Why should a reorganization plan take effect if one House disapproves? This amendment would provide that the plan would go into effect unless one House takes action within 60 days to disapprove. Surely that is the minimum power we should reserve for the Congress.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from Indiana.

Mr. HALLECK. I have listened to the arguments of the Speaker, the majority leader, and the gentleman from Mississippi, a member of the committee, against the Hoffman amendment. As I got the force of their argument, it principally was that if no action was taken in the Congress by both Houses the plan would be defeated.

Mr. JUDD. That is right.

Mr. HALLECK. The gentleman's amendment completely meets that argument, does it not?

Mr. JUDD. Yes; under the Hoffman amendment the plan could not go into effect unless both Houses took action to approve. Under my amendment the plan goes into effect unless one House or the other takes action to disapprove. Surely those who thought requiring positive action to approve would make reorganization too difficult cannot properly object to my amendment on that score. It requires positive action to disapprove. At least one House must within 60 days pass a resolution stating in substance that it does not favor the plan; otherwise the plan automatically takes effect. Can anything be more reasonable?

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. I know the gentleman wants to be accurate in his answer. The question was and the law was that if no action was taken the plan would become automatically effective. That is all the provisions of the previous law.

Mr. HALLECK. If the gentleman will yield further, the gentleman contended that under the Hoffman amendment unless affirmative action was taken the plan would lapse.

Mr. WHITTINGTON. I contended that under the Hoffman amendment unless no action were taken it would become the law, and that has been in every reorganization we have had.

Mr. JUDD. Mr. Chairman, reorganization of the Government is a legislative function, and therefore our responsibility. I believe we should delegate power to the President to prepare the plan? I cannot approve granting him power to put it into effect with the approval of only one House. We must always have in the Congress the final decision on what is actually done. We cannot have that final decision unless this amendment is adopted.

Mr. WHITTINGTON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 7 minutes, 2 minutes to be allotted to the gentleman from Texas [Mr. SUMNERS] and 5 minutes to me.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Chairman, when the Hoffman amendment was under observation and debate I suggested the objection to that amendment that it would require affirmative action on the part of the Houses of Congress. We are trusting the President. There is no complaint about the President. We have asked him to do a job. It is not any discourtesy that when the President has performed his service the results of his efforts shall come back to the two Houses of Congress and then, if either House of Congress disapproves what the President has done, or has some amendments to suggest, the thing will go back to the President for him to take into consideration the suggestions of the House.

It seems to me that as we face situations where we have to turn more and more power over to the executive branch of the Government the Houses of Congress ought to hold a little tighter grip on the results of the action of these departments. It ought to be so that when these departments, if we have to turn these powers and responsibilities over to them, have done the work we ask them to do, then the Houses of Congress ought to have an opportunity to disapprove if they take affirmative or negative action, as is provided for in the pending amendment. Congress cannot do these jobs. The President cannot work out these reorganizations. Yet they must be done. It is a bad situation. There is too much government here for the machinery of democratic government. As I see it it is a high duty of the Houses of Congress, which must delegate legislative duty, each to retain its duty to examine, and the power to disapprove and to terminate these extraordinary delegations of legislative power, as is proposed in the pending amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. WHITTINGTON].

Mr. WHITTINGTON. Mr. Chairman, my good friend the gentleman from Minnesota [Mr. JUDD] has discussed a perplexing legal question. Lawyers often differ. The provision that my colleague the gentleman from Minnesota [Mr. JUDD] offers as a substitute for the provision in the bill would make that provision read just as it was in the Reorganization Act of 1932. It would enable either branch of Congress to pass a resolution and to defeat a plan of reorganization.

The Hoover Reorganization Act of 1932 was submitted to the then Attorney General. I give you his language, not mine. I inserted in yesterday's RECORD a brief where this matter as we propose it in this bill has been before the Supreme Court in two cases and has been approved. We repealed on March 3, 1933,

the very provision that the gentleman would now insert, and we relied on Attorney General Mitchell. Attorney General Mitchell has been followed by Attorney General Cummings, who concurred with him. I read the opinion of Attorney General Mitchell, as I again say that the theory is that both branches of Congress, having conferred this power upon the Executive, both branches of Congress should disapprove it. I quote:

It must be assumed that the functions of the President under this act were executive in their nature or they could not have been constitutionally conferred upon him. No one would question the power of Congress to provide for delay in the execution of such an administrative order or its power to withdraw the authority to make the order, provided the withdrawal takes the form of legislation. The attempt to give either House of Congress by action which is not legislation the power to disapprove administrative acts raises a grave question as to the validity of the entire provision.

I repeat that Congress promptly in a few months and in every reorganization act since then has followed Attorney General Mitchell. I trust the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. Judd].

The question was taken; and on a division (demanded by Mr. Judd) there were—ayes 123, noes 139.

Mr. JUDD. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. MANASCO and Mr. JUDD.

The Committee again divided; and the tellers reported there were—ayes 145, noes 159.

So the amendment was rejected.

PROGRAM FOR NEXT WEEK

Mr. MARTIN of Massachusetts. Mr. Chairman, I take this opportunity to inquire of the majority leader what the program will be for next week.

Mr. McCORMACK. I am very glad the gentleman has done so because with such a large attendance the membership will be advised.

There is no legislative program for either Monday or Tuesday.

On Wednesday the bill (H. R. 3517) providing a limited immigration quota for the people of India will be called up for consideration, with 2 hours of general debate.

Mr. MARTIN of Massachusetts. That is to give the people of India an immigration quota like the rest.

Mr. McCORMACK. Like China, a quota of a hundred.

Mr. MARTIN of Massachusetts. Seventy-five, I believe.

Mr. McCORMACK. Seventy-five or 100.

On Thursday and Friday the tax bill will be considered. So if we finish this bill tonight, there will be no further legislative program until next Wednesday.

REORGANIZATIONS IN EXECUTIVE BRANCH

Mr. MANASCO. Mr. Chairman, are there further amendments at the desk?

The CHAIRMAN. There are no further amendments at the desk.

Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. COOPER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H. R. 4129, pursuant to House Resolution 360, he reported the bill back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not the Chair will put them engross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time and was read the third time.

Mr. HOFFMAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HOFFMAN. I am.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. HOFFMAN moves that the bill be committed to the Committee on Expenditures in the Executive Departments with instructions that the committee report the bill back to the House with the following amendment:

On page 8, line 25, strike out the words "the two Houses a concurrent" and insert in lieu thereof the words "either House a"; and on page 9, line 1, strike out the words "the Congress" and insert in lieu thereof the word "it," so that after the semicolon in line 23, page 8, the section will read:

"But only if, between the date of transmittal and the expiration of such 60 day period, there has not been passed by either House a resolution stating in substance that it does not favor the reorganization plan."

Mr. MANASCO. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. HOFFMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 168, nays 192, not voting 71, as follows:

[Roll No. 161]

YEAS—168

Adams	Carlson	Gearhart
Allen, Ill.	Case, N. J.	Gerlach
Allen, La.	Case, S. Dak.	Gifford
Andersen,	Chenoweth	Gillespie
H. Carl	Chlperfield	Gillette
Anderson, Calif.	Church	Gillie
Andresen,	Clason	Goodwin
August H.	Clevenger	Graham
Andrews, N. Y.	Cole, Mo.	Grant, Ind.
Angell	Cole, N. Y.	Griffiths
Arends	Corbett	Gross
Arnold	Crawford	Gwynne, Iowa
Auchincloss	Cunningham	Hale
Barrett, Wyo.	Curtis	Hall
Bates, Mass.	D'Ewart	Edwin Arthur
Beall	Dirksen	Hali
Bender	Doiliver	Leonard W.
Bennet, N. Y.	Dondero	Halleck
Bennett, Mo.	Dworshak	Hancock
Bishop	Ellis	Hand
Blackney	Ellsworth	Harness, Ind.
Brehm	Elsaesser	Henry
Brown, Ohio	Elston	Hertter
Brumbaugh	Engel, Mich.	Heseltun
Buck	Fellows	Hess
Buffett	Fuller	Hill
Butler	Fulton	Hoeven
Byrnes, Wis.	Gamble	Hoffman
Canfield	Gavin	Holmes, Wash.

Horan
Howell
Hull
Jenkins
Jennings
Jensen
Johnson, Calif.
Johnson, Ill.
Johnson, Ind.
Johnson, Lyndon B.
Jones
Jonkman
Judd
Kear
Keefe
Kefauver
Kilburn
Kinzer
Knutson
Kunkel
LaFollette
Landis
Latham
LeCompte
Lemke
Lewis
Luce
McConnell

McCowan
McDonough
McGregor
McMillen, Ill.
Martin, Iowa
Martin, Mass.
Mason
Morrow
Michener
Miller, Nebr.
Mott
Murray, Wis.
O'Konski
Peterson, Ga.
Phillips
Floeser
Ramey
Rankin
Reece, Tenn.
Reed, Ill.
Rees, Kans.
Rizley
Robertson,
N. Dak.
Robison, Ky.
Rockwell
Rodgers, Pa.
Rogers, Mass.
Schwabe, Mo.

NAYS—192

Abernethy	Gordon	O'Neal
Andrews, Ala.	Gore	Outland
Bailey	Gorski	Pace
Baldwin, Md.	Gossett	Patrick
Barden	Granahan	Patterson
Barrett, Pa.	Grant, Ala.	Peterson, Fla.
Bates, Ky.	Green	Pfeifer
Blemiller	Gregory	Phibbin
Bland	Hare	Pickett
Bloom	Harless, Ariz.	Pittenger
Bonner	Harris	Poage
Boren	Hart	Price, Fla.
Bradley, Pa.	Havenner	Price, Ill.
Brooks	Hays	Priest
Brown, Ga.	Healy	Quinn, N. Y.
Bryson	Hedrick	Rabin
Buckley	Heffernan	Rains
Bulwinkle	Hobbs	Ramspeck
Bunker	Hoch	Randolph
Burch	Hollifield	Rayfield
Burgin	Hook	Resa
Byrne, N. Y.	Huber	Rich
Camp	Izac	Richards
Cannon, Mo.	Jackson	Riley
Carnahan	Jarman	Robinson, Utah
Chapman	Johnson,	Roe, Md.
Chelf	Luther A.	Rogers, Fla.
Clements	Johnson, Okla.	Rogers, N. Y.
Cochran	Kee	Rooney
Coffee	Kelley, Pa.	Rowan
Combs	Kelly, Ill.	Russell
Cooley	Kilday	Ryter
Cooper	Kirwan	Sabath
Courtney	Kopplemann	Sadowski
Cox	Lane	Sasser
Crosser	Lanham	Savage
D'Alesandro	Larcade	Sheppard
Daughton, Va.	Lesinski	Slkes
Davis	Link	Slaughter
De Lacy	Ludlow	Smith, Va.
Delaney,	Lyle	Snyder
James J.	Lynch	Somers, N. Y.
Delaney,	McCormack	Sparkman
John J.	McGlinchey	Spence
Dingell	McMillan, S. C.	Stewart
Domengéaux	Madden	Sullivan
Doughton, N. C.	Mahon	Tarver
Douglas, Calif.	Maloney	Thom
Durham	Manasco	Thomas, Tex.
Earthman	Mansfield,	Thomason
Eberharter	Mont.	Tolan
Engle, Calif.	Mansfield, Tex.	Torrens
Ervin	Marcantonio	Trimble
Fallon	May	Voorhis, Calif.
Feighan	Miller, Calif.	Walter
Fernandez	Mills	Waslewski
Fisher	Monroney	Weaver
Flannagan	Morgan	Welss
Flood	Morrison	Whitten
Fogarty	Murdock	Whittington
Folger	Murphy	Wickersham
Forand	Murray, Tenn.	Winstead
Gallagher	Neely	Woodhouse
Gardner	Norrell	Worley
Gary	O'Brien, Ill.	
Geelan	O'Brien, Mich.	

NOT VOTING—71

Baldwin, N. Y.	Bradley, Mich.	Colmer
Barry	Campbell	Cravens
Beckworth	Cannon, Fla.	Curley
Bell	Celler	Dawson
Bolton	Clark	Dickstein
Boykin	Cole, Kans.	Douglas, Ill.

Doyle	Kerr	Sharp
Drewry	Kling	Sheridan
Eaton	Lea	Simpson, Ill.
Elliott	LeFevre	Stigler
Fenton	McGehee	Thomas, N. J.
Gathings	McKenzie	Traynor
Gibson	Mundt	Vinson
Granger	Norton	Wadsworth
Gwinn, N. Y.	O'Hara	Welch
Hagen	O'Toole	West
Hartley	Patman	White
Hébert	Plumley	Winter
Hendricks	Powell	Wolcott
Hinshaw	Rabaut	Wolverton, N. J.
Holmes, Mass.	Reed, N. Y.	Wood
Hope	Rivers	Woodrum, Va.
Kearney	Robertson, Va.	Zimmerman
Keogh	Roe, N. Y.	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Wadsworth for, with Mr. Kerr against.
 Mr. LeFevre for, with Mr. Doyle against.
 Mr. Baldwin of New York for, with Mr. Wood against.
 Mr. Holmes of Massachusetts for, with Mr. Curley against.
 Mr. Bradley of Michigan for, with Mr. Keogh against.
 Mr. Hartley for, with Mrs. Norton against.
 Mr. Reed of New York for, with Mr. Vinson against.
 Mr. Simpson of Illinois for, with Mrs. Douglas of Illinois against.

General pairs until further notice:

Mr. Stigler with Mr. Eaton.
 Mr. Colmer with Mr. Fenton.
 Mr. Robertson of Virginia with Mr. Hope.
 Mr. West with Mr. O'Hara.
 Mr. Cravens with Mr. Plumley.
 Mr. Gathings with Mr. Wolcott.
 Mr. Powell with Mr. Thomas of New Jersey.
 Mr. King with Mr. Wolverton of New Jersey.
 Mr. Rabaut with Mr. Hagen.

Mr. O'Konski changed his vote from "no" to "aye."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. MANASCO. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 304, nays 56, not voting 71, as follows:

[Roll No. 162]

YEAS—304

Abernethy	Buck	Crawford
Adams	Buckley	Crosser
Allen, Ill.	Buffett	Cunningham
Allen, La.	Bulwinkle	Curtis
Anderson, Calif.	Bunker	D'Alesandro
Andresen	Burch	Daughton, Va.
August H.	Burgin	Davis
Andrews, Ala.	Butler	De Lacy
Angeli	Byrne, N. Y.	Delaney,
Arends	Camp	James J.
Auchincloss	Canfield	Delaney,
Bailey	Cannon, Mo.	John J.
Baldwin, Md.	Carlson	D'Ewart
Barden	Carnahan	Dingell
Barrett, Pa.	Case, N. J.	Dirksen
Barrett, Wyo.	Case, S. Dak.	Dolliver
Bates, Ky.	Chapman	Domengeaux
Bates, Mass.	Chelf	Dondero
Bcall	Chenoweth	Doughton, N. C.
Bender	Church	Douglas, Calif.
Bennet, N. Y.	Claason	Durham
Biemiller	Clements	Earthman
Blackney	Cochran	Eberharter
Bland	Coffe	Ellis
Bloom	Cole, Mo.	Ellsworth
Bonner	Cole, N. Y.	Elsaesser
Boren	Combs	Elston
Bradley, Pa.	Cooley	Engel, Mich.
Brooks	Cooper	Engle, Calif.
Brown, Ga.	Corbett	Ervin
Brumbaugh	Courtney	Fallon
Bryson	Cox	Feighan

Fellows	Kilday	Ramey
Fernandez	Kirwan	Ramspeck
Fisher	Knutson	Randolph
Flannagan	Kopplemann	Ratkin
Flood	Kunkei	Rayfel
Fogarty	LaFollette	Reece, Tenn.
Folger	Lane	Rees, Kans.
Forand	Lanham	Resa
Fuller	Larcade	Rich
Fulton	Latham	Richards
Gallagher	LeCompte	Riley
Gamble	Lemke	Robertson,
Gardner	Lesinski	N. Dak.
Gary	Lewis	Robinson, Utah
Gavin	Link	Robison, Ky.
Gearhart	Luce	Rockwell
Geelan	Ludlow	Rogers, Fla.
Gerlach	Lyle	Rogers, Mass.
Gifford	Lynch	Rogers, N. Y.
Goodwin	McConnell	Rooney
Gordon	McCormack	Rowan
Gore	McDonough	Russell
Gorski	McGregor	Ryter
Gossett	McMillan, S. C.	Sabath
Granahan	McMillen, Ill.	Sadowski
Grant, Ala.	Madden	Sasser
Green	Malon	Savage
Gregory	Maloney	Scrivner
Gross	Manasco	Sheppard
Hale	Mansfield,	Sikes
Hall,	Mont.	Slaughter
Edwin Arthur	Mansfield, Tex.	Smith, Maine
Hall,	Marcantonio	Smith, Va.
Leonard W.	Martin, Mass.	Smith, Wis.
Hand	May	Snyder
Hare	Merrow	Somers, N. Y.
Harless, Ariz.	Michener	Sparkman
Harris	Miller, Calif.	Spence
Hart	Miller, Nebr.	Starkey
Hartley	Mills	Stefan
Havenner	Monroney	Stevenson
Hays	Morgan	Stewart
Healy	Morrison	Stockman
Hedrick	Murdock	Sullivan
Heffernan	Murphy	Sumners, Tex.
Henry	Murray, Tenn.	Sundstrom
Herter	Murray, Wis.	Talbot
Heslton	Neely	Talla
Hess	Norrell	Tarver
Hobbs	O'Brien, Ill.	Taylor
Hoch	O'Brien, Mich.	Thom
Hoeven	O'Konski	Thomas, Tex.
Holifield	O'Neal	Thomason
Holmes, Wash.	O'Toole	Tibbott
Hook	Outland	Tolan
Huber	Pace	Torrens
Izac	Patrick	Towe
Jackson	Patterson	Trimble
Jarman	Peterson, Fla.	Voorhis, Calif.
Johnson, Calif.	Peterson, Ga.	Walter
Johnson,	Pfeiffer	Wasielewski
-Luther A.	Philbin	Weichel
Johnson,	Pickett	Weiss
Lyndon B.	Pittenger	Welch
Johnson, Okla.	Ploeser	Whitten
Judd	Poage	Whittington
Kean	Powell	Wickersham
Kee	Price, Fla.	Wilson
Keefe	Price, Ill.	Winstead
Kefauver	Priest	Woodhouse
Kelley, Pa.	Quinn, N. Y.	Worley
Kelly, Ill.	Rabin	
Kilburn	Rains	

NAYS—56

Andersen,	Hancock	Mott
H. Carl	Harness, Ind.	Phillips
Arnold	Hill	Reed, Ill.
Bennett, Mo.	Hoffman	Rizley
Bishop	Horan	Rodgers, Pa.
Brehm	Howell	Schwabe, Mo.
Brown, Ohio	Hull	Schwabe, Okla.
Byrnes, Wis.	Jenkins	Shafer
Chapfield	Jennings	Short
Cleaver	Jensen	Simpson, Pa.
Dworshak	Johnson, Ill.	Smith, Ohio
Gillespie	Johnson, Ind.	Springer
Gillette	Jones	Sumner, Ill.
Graham	Jonkman	Taber
Grant, Ind.	Kinzer	Vorys, Ohio
Griffiths	Landis	Vursell
Gwynne, Iowa	McCowan	Wigglesworth
Halleck	Martin, Iowa	Wolfenden, Pa.
	Mason	Woodruff, Mich.

NOT VOTING—71

Andrews, N. Y.	Campbell	Dawson
Baldwin, N. Y.	Cannon, Fla.	Dickstein
Barry	Celler	Douglas, Ill.
Beckworth	Clark	Doyle
Bell	Cole, Kans.	Drewry
Bolton	Colmer	Eaton
Boykin	Cravens	Elliott
Bradley, Mich.	Curley	Fenton

Gathings	McGehee	Simpson, Ill.
Gibson	McGlinchey	Stigler
Granger	McKenzie	Thomas, N. J.
Gwinn, N. Y.	Mundt	Traynor
Hagen	Norton	Vinson
Hébert	O'Hara	Wadsworth
Hendricks	Patman	Weaver
Hinshaw	Plumley	West
Holmes, Mass.	Rabaut	White
Hope	Reed, N. Y.	Winter
Kearney	Rivers	Wolcott
Keogh	Robertson, Va.	Wolverton, N. J.
Kerr	Roe, Md.	Wood
King	Roe, N. Y.	Woodrum, Va.
Lea	Sharp	Zimmerman
LeFevre	Sheridan	

So the bill was passed.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Kerr with Mr. Wadsworth.
 Mr. Doyle with Mr. LeFevre.
 Mr. Wood with Mr. Baldwin of New York.
 Mr. Curley with Mr. Holmes of Massachusetts.
 Mr. Keogh with Mr. Bradley of Michigan.
 Mrs. Norton with Mr. Winter.
 Mr. Vinson with Mr. Reed of New York.
 Mrs. Douglas of Illinois with Mr. Simpson of Illinois.
 Mr. Zimmerman with Mrs. Bolton.
 Mr. Dickstein with Mr. Mundt.
 Mr. Patman with Mr. Kearney.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Gatling, its enrolling clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 3466. An act to amend the Nationality Act of 1940 to preserve the nationality of citizens residing abroad.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3951), entitled "An act to stimulate volunteer enlistments in the Regular Military and Naval Establishments of the United States."

GENERAL LEAVE TO EXTEND REMARKS

Mr. MANASCO. Mr. Speaker, I ask unanimous consent that all Members have five legislative days to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SAVAGE. Mr. Speaker, I ask unanimous consent that on Tuesday next after the disposition of business on the Speaker's desk and at the conclusion of special orders heretofore entered, I may be allowed to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent that the special order I have for Monday may be transferred to Tuesday next.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow it adjourn to meet on Tuesday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. VOORHIS of California asked and was given permission to extend his own remarks in the Appendix of the RECORD on two subjects and to include excerpts in each.

Mr. KING (at the request of Mr. VOORHIS of California) was given permission to extend his remarks in the Appendix and to include two resolutions.

Mr. BUCKLEY asked and was given permission to extend his remarks in the RECORD and include a copy of the May 10 issue of Counter Attack published by the National Committee to Combat Anti-Semitism.

PERMISSION TO ADDRESS THE HOUSE

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. HERTER] have permission to address the House next Wednesday for 45 minutes after the disposition of business on the Speaker's desk and the conclusion of special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that on Tuesday next, following the legislative program and other special orders, the gentleman from Michigan [Mr. HOFFMAN] may address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. BRUMBAUGH (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks in the RECORD.

Mr. MILLER of California asked and was given permission to extend his remarks in the RECORD and include an article from the California Grange News.

Mr. WASIELEWSKI asked and was given permission to extend his remarks in the RECORD and include a speech he recently made over Station WIND on UNRRA.

Mrs. LUCE asked and was given permission to revise and extend the remarks she made today.

Mrs. LUCE asked and was given permission to extend her remarks in the Appendix and include several newspaper editorials.

Mr. WOODRUFF of Michigan asked and was given permission to extend his remarks in the RECORD.

Mr. WOODRUFF of Michigan asked and was given permission to extend his remarks in the RECORD and include an editorial and two newspaper articles.

Mr. GERLACH asked and was given permission to extend his remarks in the RECORD and include an editorial from a Bristol, Pa., newspaper of October 1.

Mrs. DOUGLAS of California asked and was given permission to extend her remarks in the RECORD and include an article she wrote on Palestine, the Homeland of the Jewish People.

Mr. HAYS asked and was given permission to extend his remarks in the RECORD and include an article.

THE LATE SMITH W. PURDUM

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to address the House and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LUDLOW. Mr. Speaker, a great postal official passed away this morning when death claimed Smith W. Purdum, Second Assistant Postmaster General, at his home in Hyattsville, Md., bringing to a close a distinguished career of 47 years of continuous service in the postal establishment.

Mr. Purdum, who would have been 69 years old had he lived until December 12, entered the postal service in the humble capacity of substitute railway postal clerk at the age of 22 and, step by step, worked upward through the grades of rural agent, post-office inspector, Deputy Fourth Assistant Postmaster General, and Fourth Assistant Postmaster General to his final assignment as Second Assistant Postmaster General, which gave him over-all jurisdiction of the mammoth operations connected with the transportation of the mails.

But to say that Smith Purdum occupied this or that position gives but a faint idea of his worth to the postal service. More than any other man he had a mastery of all of the problems of the service. The great school for training postal officials is the Inspection Branch and in that branch he laid the fundamentals of a great career. He became the Department's oracle, famed among his colleagues of the service throughout America and the world for his knowledge and wisdom pertaining to postal matters.

His high standing as a postal authority was recognized by his appointment as the legislative representative of the Postmaster General and his frequent designation to represent the Postmaster General at meetings of the President's Cabinet.

He loved the postal service and lived for it. On normal days he arrived at his office at 8 a. m. and left at 8 p. m. When there was a job to be done he recognized no hours of rest or relaxation. Times without number he was the last employee to leave the Post Office Department building at the end of the day.

His frankness, candor, and honesty were very refreshing to those of us who sat on the opposite side of the appropriations committee table. While the

mental attitude of department heads altogether too often seems bent on seeing how much they can get out of the Treasury, Mr. Purdum always had in mind the interest of the taxpayers as well as of the Post Office Department. Repeatedly he came before us and voluntarily reduced estimates that had been presented to us by the Bureau of the Budget, these reductions sometimes running into millions of dollars.

In his book Behind the Ballots, Postmaster General James A. Farley told this story apropos of the sterling honesty of Smith Purdum.

Purdum is a completely honest man, and it is a matter of genuine relief to know that as long as he is in charge of expenditures for new buildings no man will ever be able to raise the finger of slightest suspicion against the financial operations of the Department in that respect. He is fair but unyielding in what he considers to be the proper conduct of his office. For more than 2 years I have been trying to have him approve the erection of a post office at the city of Orangeburg in my home county of Rockland, N. Y. The receipts of Orangeburg justify a new building and its erection would enhance my prestige considerably. But Smith insists doggedly that other villages in the congressional district are more entitled to a new building than Orangeburg and it looks as though I am waging a losing battle.

No higher or more forthright tribute could be paid to the honesty of Smith Purdum than these words of his former chief. Mr. Purdum occupied a pinnacle in the postal service which none other probably ever will attain. We probably shall never see his like again. His name is a household word throughout the postal service and the hearts of millions of postal workers will be touched by the sad news of his death.

FREE PALESTINE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I am constrained once more, by present circumstances abroad, to speak in behalf of a free Palestine. Members of Congress and the American people have been led to believe for some time past that this question would be settled, yet obstacle after obstacle has been interposed to prevent an equitable settlement.

Winter is approaching in Europe and with it is bound to come distress and social upheavals. War refugees and political outcasts, driven from pillar to post for no other reason than their race and faith, still remain spread throughout Europe in large numbers, shut out from possible migration to countries where they might find security and safety.

In order to forestall continued suffering by these groups who have been pilloried and persecuted with such brutal fury, the doors of immigration to Palestine should be opened and a free Jewish state should be established in that country which would permit refugees and persecuted people a haven of safety and a

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DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued October 8, 1945, for actions of Friday, October 5, 1945).

(For staff of the Department only)

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HIGHLIGHTS: Rep. Jennings spoke favoring retention of final reorganization authorities in Congress. Rep. Murray urged development of "satisfactory" price-support and parity programs to guarantee commitments during the reconversion period.

SENATE

1. NOMINATION. The Interstate Commerce Committee reported favorably the nomination of Lowell B. Mason to be a Federal Trade Commissioner (p. 9161).
2. TAXATION. The Judiciary Committee reported without amendment H. R. 7, making unlawful the requirement of a poll tax as a prerequisite to voting in a primary or other election for national officers (S.Rept. 625) (p. 9616).
3. ADJOURNED until Tues., Oct. 9, 1945 (p. 9617).

HOUSE

4. ADJOURNED until Tues., Oct. 9, 1945 (p. 9621).

ITEMS IN APPENDIX

5. GOVERNMENT REORGANIZATION. Speech in the House by Rep. Jennings, Tenn., favoring retention of final authority for Government reorganization in Congress (pp. A4515-6).
Speech in the House by Rep. Robsion, Ky., favoring retention of Congressional authority for Government reorganization, urging economy in Government expenditures, and criticizing increases in Federal personnel (pp. A4510-2).
6. WATER POLLUTION. Rep. Spence, Ky., inserted a Reader's Digest article favoring control of pollution of rivers (pp. A4518-9).
7. FARM PRICES. Extension of remarks of Rep. Murray, Wis., urging development of "satisfactory" price support and parity programs to guarantee commitments during the reconversion period and including correspondence with this Department with regard to the wool situation (pp. A4509-10, 4513-4).
8. ST. LAWRENCE SEAWAY. Extension of remarks of Rep. Butler, N.Y., opposing the St. Lawrence Seaway project (p. A4512).

9. RECLAMATION LANDS. Speech in the House by Rep. Brooks, La., favoring the quieting of title to lands beneath tidewaters and navigable waters (pp. A4519-20).
10. TRANSPORTATION. Extension of remarks of Rep. Mansfield, Tex., commending inland waterways transportation in connection with the war effort and peacetime production and employment (p. A4509).

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For supplemental information and copies of legislative material referred to call Ext. 4654, or send to Room 112 Adm. Arrangements may be made to be kept advised, routinely, of developments on any particular bill.

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ITEMS IN FEDERAL REGISTER Oct. 5, 1945

11. HOLIDAYS. Executive Order 9636, ordering that when a holiday falls on Sunday the following day (Monday) shall be the day of observance by the Federal Government (p. 12543).
12. SURPLUS PROPERTY Board regulations on the numbering of regulations and on foreign disposal (p. 12559).

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COMMITTEE HEARINGS ANNOUNCEMENTS for Oct. 8; S. Finance, amendments to the GI Bill of Rights; S. Military Affairs and Commerce, national science program; S. Judiciary reorganization bill (ex.).

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seductive lobbyists menace any Member of this House, I feel certain the membership of this House will go to the rescue of the Member thus put in peril. Let us retain and hold in our hands the right to say whether or not we approve of the reorganization plan that may be worked for or by the President. As I said, it will not be his plan; it will be somebody else's plan. I want it to be my plan and your plan. The people that I represent and the people that you represent expect us to stand four square as their representatives here and to retain the constitutional prerogatives of this House and restore legislative government to this Republic. I hope that this amendment is adopted.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. I yield to the gentleman from Missouri.

Mr. SHORT. I think there is a great deal of confusion in the minds of some Members that has not been cleared up. I would like to have the gentleman, who is a very able lawyer, tell us if there is not a vast fundamental difference between the 1932 reorganization and the pending legislation. In the 1932 act one of the Houses of Congress, either the House or the Senate, could absolutely exercise the veto power by refusing to accept any reorganization scheme or recommendation or plan by the President of the United States, whereas under the pending bill the President, by getting the support of one of the bodies of Congress, can enact a law as though it had been passed by the Congress?

Mr. JENNINGS. That is true.

Mr. Chairman, every dictator the world has ever known strode to power over the wreckage of legislative government. Totalitarian states are builded on the ruins of the surrendered and usurped powers of the lawmaking branch of the government. And hence it was that the founding fathers in article I of the Constitution, in the first section, provided:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

And after the vast and exclusive legislative powers of Congress were enumerated in the Constitution, paragraph 18 of section 8 provides:

Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or any department or office thereof.

And by article VI of the Constitution, paragraph 2, it is declared:

This Constitution and the laws of the United States which shall be made in pursuance thereof, shall be the supreme law of the land.

I took an oath "to support and defend the Constitution of the United States against all enemies, foreign and domestic"; to "bear true faith and allegiance to the same"; I took "this obligation freely, without any mental reservation or purpose of evasion."

I shall vote in favor of these amendments to retain and exercise the exclu-

sive lawmaking power of Congress on the reorganization, abolition, and consolidation of the sprawling executive agencies of the Government. My vote will be determined by what I conceive to be the plain letter and spirit of the Constitution and my oath of office. If either the Hoffman or the Judd amendment is adopted, I shall vote for the bill. If they are both defeated, I shall vote against it.

Merger of War Department and Navy Department Should Be Accomplished as Soon as Possible

EXTENSION OF REMARKS

OF

HON. WILLIAM A. PITTENGER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1945

Mr. PITTENGER. Mr. Speaker, from time to time our attention is called to things which have taken place in connection with our war effort, which point clearly to the need for a unified single department of national defense. The claim has been made and substantiated on many occasions that the War Department and Navy Department work at cross purposes. It is not my intention to discuss the need for reform at this time, but I do intend to support any legislation that will bring about a single national defense agency.

One of the best articles that has appeared on this subject is written by Gustaf A. Nordin, a staff writer for the Duluth News-Tribune, of Duluth, Minn. Mr. Nordin's article is worth while and presents powerful arguments for a single command. His article appears in the Duluth News-Tribune for Tuesday, October 2, and is as follows:

WASHINGTON WITH NORDIN

(By Gustaf A. Nordin)

WASHINGTON.—When the full story of Okinawa is made public—as it will be some day—it will be one of the strongest arguments possible for merger of the Army and Navy into a single new Department of National Defense.

The loss of 30 naval vessels and various degrees of damage to 193 others probably is explainable, but differences which existed on the island between our military commands may provide ammunition for a congressional inquiry as important as that of Pearl Harbor.

From reliable Washington sources comes information about Okinawa which speaks volumes for a unified command of American military forces in the future. The identity of these sources must by necessity be kept secret.

The story of the American pilots who fought day and night to protect the American forces which stormed Okinawa would be worth while for any congressional committee to hear.

Many of these pilots were forced to sleep in water-soaked tents and dugouts. Some even slept in foxholes half filled with water. A few yards away these fighting American pilots could daily view rows of neatly stacked, unused steel huts stored for future use on the island. The huts were under the control of a different branch of the service and could not be released to the war-weary pilots.

A general ordered commanders on Okinawa during the fighting to be ready to receive many times more bombers than could be accommodated on the fields then under American control. Orders were orders, so the planes were flown in. When the airfields could no longer be used for storage, the planes were pushed into the muddy tracts of land adjacent to the airstrips. There they were mired and could not be moved during enemy attacks.

Noncombatants were used as sentries, and many of them lost their lives because of accurate Jap sniper fire—and probably due to inexperience in combat techniques.

For 3 months on Okinawa, dozens of Jap snipers were killed each night as they filtered in behind American lines, and picked off the the noncombatant sentries. Trained Army sentries were not available at these camps.

An incident which occurred, but undoubtedly cannot be blamed upon lack of unity in command, was a surprise raid by five Jap transport planes, loaded with troops. Four were shot down just as they were ready to land. The fifth succeeded in landing. Before the Japs were wiped out, they had destroyed a number of Superfortresses and the reserve gasoline supplies. A follow-up at this point might have been damaging.

Another informant contends that the American and British Navies differed in fighting tactics to such an extent that the daring raids on Jap home islands became extreme risks for some American units.

The British followed the quick-jab and sudden withdrawal technique. After several days' fighting, these units would withdraw for a rest period and to get additional supplies. When the British ships pulled out of the well-planned joint fleet formations, it left a certain number of American ships open to suicide attacks on unprotected flanks.

Admiral William F. Halsey held the Americans in formation for weeks at a time as he blasted and tantalized the Japanese. Had there been a unity of command, the British would have been compelled to hold their places. It was not a difference in fighting qualities of the two fleets, but lack of unified command and tactics.

There are other incidents which could be cited, some which would reflect even worse upon the system which prevailed at the time in the Far East. These were given in utmost confidence and cannot be divulged at this time.

The severe naval losses were due chiefly to the suicidal attacks of the Japanese. Those suicide thrusts were not by kamikaze planes alone but came in two other forms as well. Small Japanese boats, loaded with high explosives, were deliberately driven into the American ships standing off Okinawa. In some instances fanatical Japanese swam into the ships with explosive charges lashed to their backs.

The heroism of American fighting men on Okinawa is something to marvel at. Stories are trickling back now as to what took place and the trying times experienced by the military men. It makes the hardships they suffered stand out all the more because, experts here believe, unity between the military commands could have eliminated some of the difficulties encountered.

On the basis of these reports—and their accuracy is attested to by very reliable sources—it would seem the Military Affairs Committees of the House and Senate ought to give serious consideration to a merger of the Army and Navy Cabinet posts.

Chairman CARL VINSON, Democrat, Georgia, of the House Naval Affairs Committee, says "there will be no merger," and he adds, "I hope it's off forever."

Chairman ANDREW J. MAY, Democrat, Kentucky, of the House Military Affairs Committee, is just as set. "I don't think you can merge the Army and Navy," he says. "I am against it."

Army soon. We will be waiting to see how long it will now take you all to do what is fair instead of doing what isn't fair. I could have so many fellows sign this letter that it would make your hair stand on end. But I can't because it would take pages and pages to get their names. So, you see, I am writing this letter, not only for myself but for all of us. We did our part to bring this war to an end as quick as we could and we expect you to do your part now in getting us back home.

Just one of the thousands of boys or fellows that think I know what's right from wrong.

P. S.—Better tell that War Department to go to hell and take over the job yourselves.

OKINAWA, September 9, 1945.

DEAR DAD: We are beginning to get a pretty raw deal here on Okinawa since the war has been over, and I thought you would like to know about it, and possibly pass the information along to WILEY or some other Wisconsin Congressman or Representative who might be able to do something materially toward alleviation of it.

First off, the trouble here centers on a Colonel Baer, Chief Signal Officer, for the island command, who seems to be typical of the Regular Army career officers, who is exhibiting all the indications of being sorry that the war is over and he is in danger of losing his own little empire by it. He's too high for civilian time rank, with its pay and privileges and position of absolute ruler is now in danger, and he is naturally doing all he can to protect and hold it, with the power and wartime rights of review over all his command; he's doing all right by it, too. He made this statement to a conference of Signal officers: "I don't care what the points or age the men have; I'm going to keep this command together and do the job here, if they (the men) and you are all old men by the time you're through." I've been a Signal officer on this island as long as any white man has been on it, and I know that we have more men, units, and matériel here now than at the height of the battle, when we did a very adequate job. And he won't let anyone go, and he is still asking for more. He just turned back a request for a replacement officer for our company to take the place of Lieutenant Lugenebuhl, a friend of mine who started in this Pacific war at Guadalcanal, and he is still here. He sent the papers back marked "No action to be taken." Lugenebuhl has over 90 points, and that's low compared to some men and officers who he has refused by his powers of declaring them "essential." If these men aren't allowed to go back home now—we who are average in points and service will never get back. Colonel Baer is happy and satisfied here; this is his profession, and by the war he has really outdone himself in it. He's set and he doesn't want to lose anything, and he is perfectly typical of all the Regular Army colonels and generals who have all to lose and nothing to gain—now. The trouble is the system of leaving the decisions of relief and discharge opportunity up to them. The job is a legislative one, and until these systems—all of them—are scrapped, and the only point of question pertaining to a man's civilian or military status is strictly one of self-election, the underdog deals that are so unfair out here will go on to the men out here—there are a few simple solutions:

1. Send back immediately all men who were overseas in forward areas during combat.

2. Replace them with the regulars and volunteers that a higher standard of pay and conditions will induce to accept this life.

3. Give Okinawa to China or at least use it only for an advance Navy base.

(It has no peacetime strategical value that Saipan and Guam can't take.)

4. Take the power of declaring men and officers essential away from field commanders. It is being terribly abused here

in our case and makes for empire-holding military men.

5. Investigate and stop the use of men who came over here to fight Japs from being used as pure labor for the construction of permanent military installations intended for 20-30 years use, when first it isn't yet known if we will keep this island, and second it is a flagrant abuse of fighting men as virtual being slaves.

Well, I guess that's about all for this time although there are other minor abuses also which might be more important except for these mentioned. The lack of fresh food which is beginning to show serious health effects—is one among many. These may be better presently though through more shipping and thus unavoidable at present. Time will soon tell. Personally, I'm quite well, although due to this type of climate and the food vitamin shortage I'm tired out; the moment I wake and have very little strength or energy at all which gets quite depressing. I received Alice's letter telling of her mother's death—and all. I'm worried about her now as I know how her dad will be now and I would worry a lot more if I didn't know you were there to look after her for me and see that all that can possibly be done will be.

Please let me know all that is going on and how things are. I will feel much better if I know all that is going on and that nothing is being held back.

Reorganizing Agencies of Government

SPEECH

OF

HON. JOHN JENNINGS, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1945

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H. R. 4129) to provide for reorganizing agencies of the Government, and for other purposes.

Mr. JENNINGS. Mr. Chairman, I am gratified at the stand taken in this debate by the distinguished chairman of the Committee on the Judiciary and by my distinguished colleague from Tennessee [Mr. KEFAUVER] in opposition to this effort to have the House of Representatives surrender its law making duty and power to the Chief Executive and to give to the President a blank check to exercise the legislative function that this House should hold in its own hands.

You may surrender to the executive branch the power to legislate placed in the hands of Congress by the Constitution. By so doing you will strike another blow at the power and prestige of the lawmaking branch of this Government.

Eager hands are stretched forth to seize and exercise this power. By voting in favor of the amendments to require the President to submit to Congress his plan of reorganization for an affirmative vote of approval before it becomes effective, we hold in our hands the power and the duty that is ours to protect the people. Only by so doing can we free them from being bedeviled by incomprehensible rules, regulations and interpretations promulgated and enforced by New Deal bureaucrats. The extent to which the citizen has been shoved out of court into New Deal bureaus, and has been put constantly in need of a lawyer to help

him keep out of jail is the result of Congress surrendering its lawmaking powers to appointed officers responsible to nobody except the boss who put them in office.

A Washington bureaucrat, who believes in bypassing Congress, recently said in a public speech:

Speaking of opportunity, are the lawyers of this country, men and women, going to take full advantage of their opportunities in administrative law? It is the most rapidly expanding area of law practice today. There are some 217 special courts, bureaus, and commissions which today decide upon and administer various Federal laws directly affecting citizens and business firms in this country. This does not take into account similar State quasi-judicial bodies.

Administrative law, through the Federal Communications Commission, regulates the programs you hear on your radio and determines the use of the telephone and telegraph in our country today. Administrative law, through the Federal Trade Commission, determines various trade practices within the industries of this Nation. Administrative law, through the OPA and other departments, regulates what food you may buy and what you may pay for it.

With all due deference to my lovable friend from Massachusetts, the majority leader, I was surprised when he advanced the idea that theoretically speaking the Congress ought to be the legislative body but that practically we ought to delegate our power to the Chief Executive. We all know that the Chief Executive will not himself work out this reorganization plan. If we put this vast power in his hands he will delegate it to God knows who and they will hand him a plan of reorganization and he will hand to the Congress a reorganization plan prepared by bureaucrats, none of whom were elected by the people and who are not responsible to the people.

What representative of a firm or what representative of a corporation would give the power of attorney to someone he does not know to map out the future of that concern's business without the members of the firm or the board of directors of the corporation having the right to say whether or not they approved the plan that the man holding the power of attorney proposed? Let us not forget that the people of this country are tired of being ruled from Washington by bureaucrats. All over this country, in the minds of Democrats, in the minds of Republicans, and in the minds of all the people there is a conviction, a deep-seated conviction, that the Congress must recapture the vast power that it has yielded to the Chief Executive, and that the Chief Executive has exercised without congressional sanction. I am amazed that the gentleman from Pennsylvania [Mr. RICH] is willing to surrender his power and responsibility as a Member of this House and turn over the rights and interests of his constituents to an unknown bunch of executive employees. He has long been the most vocal and persistent critic of Executive usurpation of power. And I am not prepared to admit that this House will filibuster and thus defeat a reorganization plan. It cannot filibuster. We are fighting over this bill—but we are not filibustering. I have been here 6 years, and I have never seen any lobbyists. And if any wicked and

Appendix

Waterways and Industry in the Texas Coast Country

EXTENSION OF REMARKS OF

HON. JOSEPH J. MANSFIELD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1945

Mr. MANSFIELD of Texas. Mr. Speaker, while many sections of our great country experienced substantial industrial development during the war, I am quite sure that in no other area was that development more extensive than in the coast country of Texas. In that section, all the way from the Sabine River to the Rio Grande, a distance of about 450 miles scores of great plants were built to supply products that were essential to the winning of the war. Our fine ports and inland waterways, especially the Intra-coastal Canal, provided the necessary transportation while the great oil and gas fields and sulfur mines that exist in that rich area furnished in unlimited abundance the essential raw materials for a great chemical industry whose contribution to victory was unsurpassed in any other locality. Magnesium, high-octane aviation gasoline, and synthetic rubber came from these plants in vast quantities and our excellent ports and inland waterways insured their quick transportation to the battlefields of the world.

Now the war is over but many of these great plants will continue their operations to supply the needs of our peacetime economy. At Freeport, Tex., an important city I have the honor to represent, is located one of the most important war industries in the United States. It is now being converted to peacetime production, with enlarged facilities.

Under permission to extend my remarks, I include the following article by Russell Porter which appears in today's issue of the New York Times:

DOW CONCERN MAPS EXPANSION IN TEXAS—CHEMICAL COMPANY HAS \$15,000,000 PROGRAM TO MEET EXPECTED DEMAND FOR PLASTICS

(By Russell Porter)

HOUSTON, TEX., October 4.—Executives of the Dow Chemical Co. are planning a \$15,000,000 expansion program at Freeport, about 60 miles from here on the Gulf of Mexico, to help take up the slack in production and employment caused by the cancellation of war orders for magnesium, the lightweight metal which has become such an important factor in aircraft construction.

The company also hopes to lease part of the \$90,000,000 Government-owned plants which it has operated during the war for the production of magnesium and styrene, a plastic which forms one of the most essen-

tial components in the production of synthetic rubber. If this lease is made, the expansion program will be increased by several million dollars.

Newspapermen touring the country to check on the progress of reconversion motored to Freeport today. They were informed by Dr. A. P. Beutel, general manager of the company's Texas division, that the proposed expansion would provide facilities for the manufacture of plastics for some new products, which he declined to specify for competitive reasons.

NEW AND ENLARGED PLANTS

New plants will be erected and existing ones will be augmented. From 2,000 to 3,000 construction workers will be employed during the next 9 to 12 months. When reconversion is completed, the company expects to stabilize employment at about 3,800 men. It now has 4,200 on the pay roll, but expects to drop to 3,200 during reconversion. The company started operations with 1,200 men in 1940, and got up to a peak of more than 6,000 during the war.

There is a greater demand for some plastics than the company is able to supply with existing facilities, but shipments of other products have decreased 35 to 40 percent pending reconversion by other companies which use them in the manufacture of finished products.

The Government-owned magnesium plant has been shut down since VP-day, but the company can use part of it for plastic operations if the Government accepts its offer to lease. According to Dr. Beutel, the Government-owned styrene plant will have to shut down in 30 days if the oil strike continues, the strike having cut off its supply of ethylene, byproduct of the petroleum industry essential to the production of styrene.

The company is anxious to continue the styrene plant in operation, and hopes the Government will continue to encourage the production of synthetic rubber.

SOME WAGE RISES NEGOTIATED

During the war the company operated on a 48-hour schedule but has been on a 40-hour basis for a month. It offered the nine unions affiliated with the American Federation of Labor, which represent its workers, a 10-percent increase in pay, and has settled with two of them for 10 and 13 percent, respectively.

According to the company the average annual earnings at 48 hours were \$2,950, and will be \$2,540 if all the unions accept the new wage scale. There have been no serious work stoppages so far.

Wages have not been increased in the Government-owned plants because of wartime regulations still in effect, but company officials said they were willing to pay the same scale there as in their own plants.

"We want to make arrangements to keep the Government-owned plants in useful work," said Dr. Beutel. "We have uses for them that would help industry and provide employment."

The executive said he thought some unions, especially those of the Congress of Industrial Organizations, were making a great mistake in their "arbitrary" insistence on 52 hours' pay for 40 hours' work.

If labor strife were allowed to stop production to any great extent, he warned, reconversion to high levels of peacetime produc-

tion and employment might be seriously affected. While industry expected business to be good, it did not know for certain, he went on, and labor should be willing to accept the 40-hour week and wait a reasonable amount of time before pressing large demands.

If labor insisted on 30 percent or nothing, he declared, it might have to take nothing in the end, in the event that the whole production for quick and efficient reconversion was impeded.

The Dow Co. plans to continue operation of its own magnesium plant at Freeport. It uses sea water and oyster shells from the Gulf for the manufacture of the metal.

Wool and Its Future

EXTENSION OF REMARKS

OF

HON. REID F. MURRAY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1945

Mr. MURRAY of Wisconsin. Mr. Speaker, in 1943 the Commodity Credit Corporation started a wool-purchasing program for the avowed purpose of maintaining a domestic supply for war purposes and to prevent the too rapid liquidation of the sheep industry.

The Commodity Credit Corporation has purchased this wool and has supported the wool price at the OPA ceiling price. In September this support price varied from 34 cents per pound in Oklahoma to around 50 cents per pound in other States, with an average of 41.4 cents per pound for the month.

The parity price for September for wool was 31.8 cents per pound, so the support price has been 130 percent of the parity price.

I received the following reply to a letter I had written regarding the storage situation of wool:

UNITED STATES DEPARTMENT
OF AGRICULTURE,

OFFICE OF THE SECRETARY,
Washington, October 3, 1945.

Hon. REID F. MURRAY,
House of Representatives,

Washington, D. C.

DEAR REID: This will acknowledge receipt of your letter of October 1, 1945, requesting information with respect to the wool situation.

According to the last report issued by the Bureau of the Census July 1, 1945, there were 246,421,000 pounds of foreign wool and 468,592,000 pounds of domestic wool in storage in the United States. Of this amount the Commodity Credit Corporation reports as of August 1, 1945, they had a stock pile of 342,000,000 pounds.

I am informed that in addition to these figures, the British Government has a considerable amount of wool stored in this country from which they are constantly withdrawing supplies. I have been promised by

the proper division of the RFC the British figures tomorrow. My office will phone these to your office immediately on receipt.

We are very glad to have the privilege of serving you and hope these figures will answer your purpose.

With best wishes and highest regards.

Sincerely yours,

LAFAYETTE PATTERSON,

Administrative Officer,

Special War Food Staff.

The British Government's storage is 297,000,000 pounds in the United States at this time.

The Commodity Credit Corporation is considering selling some of their stock pile and I am advised that this will entail a loss of some 6 cents per pound, as of today.

I have no desire to comment upon or to criticize the operations of this wool pool, which during the war has assumed the role of a governmental monopoly. The wool of the British Empire is evidently handled by the British Government as an established policy.

There is no reason why the wool people themselves could not effectuate a formula that would give the producer at least equal benefits if and when they had an assurance of a fair share of the American market for their product. Wool is not classified as a commodity coming under the Steagall amendment with a 90 percent parity floor but is a commodity that has its price supported outside the Steagall amendment.

The Democrats Have Created Hundreds of Useless Commissions, Bureaus, and Agencies, and Have Increased Civilian Officeholders From 583,000 to 3,667,861

SPEECH

OF

HON. JOHN M. ROBSION

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1945

The Committee of the Whole House on the State of the Union had under consideration the bill (H. R. 4129) to provide for reorganizing the agencies of the Government and for other purposes.

Mr. ROBSION of Kentucky. Mr. Chairman, the gentleman from Ohio [Mr. CROSSER] has offered an amendment to exempt from the operation of this act the Railroad Mediation Board, the Railroad Adjustment Board, and the Railroad Retirement Board. I desire that these three railroad boards be exempted from the operation of this act.

The gentleman from Indiana [Mr. HALLECK] has offered a substitute amendment which provides that other bipartisan boards and commissions be exempt from the operation of this act. These are as follows: United States Tariff Commission, Federal Deposit Insurance Corporation, United States Federal Power Commission, United States Federal Communications Commission, United States Civil Service Commission, Railroad Mediation Board, Railroad Ad-

justment Board, Railroad Retirement Board.

It will be observed that the eight exemptions set out in Mr. HALLECK's substitute includes the three railroad boards set out in the amendment offered by the gentleman from Ohio [Mr. CROSSER].

If the Halleck amendment substitute is agreed to, these three railroad boards will be exempted and if the Halleck amendment is defeated I shall support the Crosser amendment.

NECESSITY AND PURPOSE OF REORGANIZATION

Page 2 of the bill states the purpose of this proposed legislation:

- (1) To reduce expenditures and promote economy.
- (2) To promote increased efficiency of operation of government.
- (3) To reduce the number of agencies.
- (4) To eliminate overlapping and duplication of effort.

The purposes set forth in the bill are most desirable indeed and there can be no doubt of the necessity of cutting out hundreds and perhaps a thousand commissions, bureaus, agencies, boards, authorities, committees, and so forth, and take at least 2,000,000 civil employees off the pay roll.

In some cases 30 or more agencies are undertaking to perform the same functions and render the same service. There has been a tremendous mushroom growth of these commissions, bureaus, boards and other Federal agencies with a corresponding growth of the civilian pay roll of the Government. For example: In 1932 the civilian employees of this Government were 583,196. In 1945 this number had jumped to 3,667,861—an increase of 3,084,665 or between 500 and 600 percent from the time President Roosevelt assumed office. This showing is all the more remarkable because it was Mr. Roosevelt and his party who in 1932 denounced Mr. Hoover and his administration for having on the payroll 583,000 civilian employees, and who promised the American people if they were given control of the Government, they would cut down expenditures 25 percent and abolish a lot of the bureaus, commissions, boards, and so forth.

Many leading Democrats of the House and Senate, and the Republican Party as a unit have been denouncing this constant increase of these commissions, boards, bureaus and agencies and the building up of this tremendous bureaucracy of nearly 3,600,000 civilian employees, costing the taxpayers approximately eight billions annually—more than eight times the cost of running the entire Government under the administration of President Taft for each year.

TWENTY-FIVE PERCENT REDUCTION IN GOVERNMENTAL EXPENSES

I was pleased to have the opportunity to vote for the amendment of the Republican leader, the gentleman from Massachusetts [Mr. MARTIN], declaring that it was the policy of Congress to reduce the cost of Government at least 25 percent. This amendment was opposed by the Democratic leaders and an overwhelming majority of the Democrats. It was supported by all the Republicans and a number of Democrats and was adopted.

The action of our Democratic friends in opposing this 25-percent cut places them in an embarrassing position while they are urging that we must pass this bill to bring about economy and efficiency in Government. Our Democratic friends are telling the country that they favor a tax reduction. The President announced we would have a deficit for the fiscal year ending June 30, 1946, of 33 billions.

The only way to insure reduction in taxes is to cut out the waste and extravagance, useless offices and officials, and effect other economies in Government. We cannot waste and squander and at the same time have substantial tax reductions.

WHO SHOULD DO THE REORGANIZING?

Under the Constitution, the Congress is invested with this power. This bill proposes that Congress divest itself of this power and transfer the power to the President on the claim that Congress does not have the time or the facilities to accomplish a reorganization and put into effect the necessary economies. This contention I vigorously deny.

Congress created the eight bipartisan, independent boards and commissions set out in the substitute amendment of the gentleman from Indiana [Mr. HALLECK]. These boards and commissions have a little over 23,000 civilian employees. Congress also created the Interstate Commerce Commission, the Federal Trade Commission, and the Securities and Exchange Commission, which are exempt in this bill, and which are quasi bipartisan, independent agencies.

I think the Maritime Commission, the Civil Aeronautics Authority, and the General Accounting Office should be excluded from the operation of this act. This would make, in all, 14.

The commissions and boards I have referred to were created by Congress to perform very special and efficient services for the people of this country.

The number of civil employees of these various boards and commissions which should be exempted is negligible compared with the number employed by the many commissions, bureaus, boards, and other agencies created by the late President Roosevelt and by President Truman.

Congress in creating these bipartisan commissions, boards, and agencies exercised its constitutional powers, which was legislating, not abdicating, and if there were no civilian employees except those created by Congress we would not have these 3,667,861 civilian employees costing the American taxpayers eight billions annually.

I have heard no complaint from anyone in this debate that the 8 commissions, boards, and so forth, set forth in the substitute amendment of the gentleman from Indiana [Mr. HALLECK] and the 3 boards set forth in the amendment of the gentleman from Ohio [Mr. CROSSER] or the other commissions, boards, and so forth, making up the 14 are not efficient or that they are squandering and wasting the tax money of the people. Their efficiency and economical operation have been tested through the years, and I oppose giving to the executive branch of the Government, that has

sinned so greatly in piling commission upon commission, bureau upon bureau, and agency upon agency, placing more than 3,000,000 additional civil employees on the Federal pay roll since 1932, the power to undertake a so-called reorganization of these tested, tried, and efficient commissions, bureaus, and agencies of the Government created by Congress. They might make a bigger mess of it than they have of the commissions, bureaus, and agencies created and built up by the executive branch.

BIPARTISAN AND INDEPENDENT

These commissions, bureaus, and agencies that have been referred to, created by acts of Congress, are bipartisan. The appointees cannot come from any one political party. They must be bipartisan. They are in their very nature quasi-judicial; they must not become political or partisan. Their jobs must not be controlled by political considerations. However, if they are placed under 1 or more of the 10 Departments of the Government, they at once become political. The President names as members of his Cabinet persons of his own political party or those who adhere to his political and economic philosophies. These Cabinet heads would dominate the activities of these commissions, boards, and agencies that are quasi-judicial. The late President Roosevelt had a great desire to take over these quasi-judicial agencies of the Government and make them political and control them. He attempted to do this in the case of the Federal Trade Commission when he summarily dismissed one of its members because he was not in harmony with the political and economic policies of the President, but the Supreme Court set aside the order of President Roosevelt.

These quasi-judicial agencies must remain independent and their officials must not be motivated by political considerations or the special economic philosophies of the President and his 10 Cabinet officers.

The Interstate Commerce Commission deals with the matter of commerce on the land. The Maritime Commission deals with interstate and foreign commerce on the seas. We do not want their decisions colored or warped by any Department head. Congress made them independent. And this is true of the General Accounting Office, as well as other commissions, bureaus, and agencies created by Congress. They are responsible to Congress, the representatives of the people.

We have heard today how President Truman in 1939 denounced the effort to put the Civil Aeronautics Authority into the Department of Commerce and the blighting effect it had on this great agency of the Federal Government, but now he seems to have changed his mind and desires the Civil Aeronautics Authority to remain in the Department of Commerce under his good friend, Henry Wallace.

If these 14 agencies created by Congress that are now independent and with quasi-judicial powers are inefficient, or if they are wasting the public money, we can bring them to account.

Mr. HALLECK. Mr. Chairman will the gentleman yield?

Mr. ROBSION of Kentucky. I yield.

Mr. HALLECK. Much has been made of the fact that I have been talking about the Civil Aeronautics Authority. I am talking about the CAA as the horrible example of what can happen if we do not provide exemptions. What I am getting at is that if the pattern involved in the transfer of the CAA to the Department of Commerce is to be followed in respect to these other independent agencies, the gentleman, I am sure, will agree with me that instead of cutting down personnel and effecting economy we have just compounded confusion one place after another and will have more people doing the same thing.

Mr. ROBSION of Kentucky. I fully agree with the gentleman and thank him for his contribution.

CONGRESS SHOULD LEGISLATE, NOT ABBEDATE

The Constitution did not vest in the President the power of creating departments, commissions, bureaus, and agencies. These powers were granted especially to the Congress, and the President cannot reorganize the agencies of the Government without Congress delegating that power to him. And the great fundamental question before us today is: Should Congress exercise this power, or should it delegate it to the President?

Throughout the country the criticism aimed at Congress is that it abdicates when it should legislate. Members of Congress as well as the American people generally complain because of the growing power of the Executive and the tremendous bureaucracy that has been built up since March 4, 1933. We have seen hundreds—perhaps a thousand—commissions, bureaus, and agencies created, increasing the civilian pay roll from 583,000 to nearly 3,700,000 in the continental United States and service in foreign countries, placing a tax burden of eight billions annually on this Nation. Yet some of our colleagues who have denounced in unmeasured terms the growing power of the Executive and the waning powers of Congress and the representatives of the people, have from time to time helped put measures through Congress taking away the powers of Congress and conferring them upon the Executive.

I want to see hundreds of these useless and unnecessary commissions, bureaus, and agencies abolished and cut out at least 2,000,000 officeholders. There are so many in the various agencies of the Government that they get in each other's way and contribute to the inefficiency of our Government, and they contribute to the mounting burden of taxes and to the national debt, threatening the economic life of the Nation. We need more than anything else greater efficiency and greater economy in government.

WHO SHALL REORGANIZE?

It is proposed in this bill that Congress delegate its authority to reorganize to the executive branch of the Government in order to make it more efficient and more economical; but who should do this?

We know that President Truman cannot make the investigation and ferret out these useless agencies and the useless and unnecessary 2,000,000 Federal officeholders. He must, as a matter of neces-

sity, delegate this authority, and to whom shall he refer it?

He will, of course, refer it to these same commissions and bureaus and agencies that are now inefficient—that are wasting and squandering the taxpayers' money. They will want to retain their commissions, bureaus, and agencies. These millions will want to keep their jobs, and I predict that the reorganization plan or plans that may be submitted will be most disappointing to the Congress and to the American people.

In 1932 Congress passed a bill giving the President—Hoover—the power to reorganize the executive branches and agencies of the Government. Mr. Hoover did submit a plan, but the Democrats were in control in the House. They opposed the plan submitted by President Hoover and nothing came of it.

In 1939, through the overwhelming majority of Democrats and New Dealers in the House and Senate, Congress passed an act giving President Roosevelt the power to reorganize the Government. They claimed it was necessary to do away with useless commissions, bureaus, and agencies, making the executive branch more efficient, and to effect a reduction in the cost of government.

It is now a matter of common knowledge that these commissions, bureaus, and other Federal agencies grew by leaps and bounds under the new act, and during President Roosevelt's administration we found ourselves with more commissions, bureaus, and other Federal agencies than we had had at any time in our history—in fact they number hundreds and the Federal employees jumped from 583,000 under Hoover to 3,667,000 under Roosevelt.

My contention is that the House and Senate should appoint a committee of Members of both Houses, men and women who have been in Congress for many years and who have knowledge of our Government and its requirements, and this committee could call many able, experienced but retired persons from the various bureaus or agencies of the executive branch as well as others who could and would give unbiased testimony and provide this committee with all the information necessary; and then this committee could submit plans to the House and Senate for their action.

I am sure this would bring about a more effective reorganization and accomplish more effectively our purposes than the proposals in this bill and bring about real efficiency and economy in our Government.

It is urged that any plan submitted by the President could be blocked by a vote of both Houses rejecting the plan or plans if taken in 60 days. With the tremendous influence of the President and all these agencies, and the billions of dollars being disbursed, it is doubtful if such a resolution could be put through both Houses in 60 days and perhaps not at all as to both Houses.

But there should be two amendments offered that I shall support—one is that this bill be amended so that the President shall submit his plan or plans to Congress and this would be referred to appropriate committees of the House and Senate for investigation and later on for consideration and discussion in the

House and Senate, and passed as we would pass any other bill, such as the bills creating the 14 independent agencies.

If that amendment is defeated another amendment will be offered, providing that if the President submits his plan under this bill, if either House passes a joint resolution expressing opposition to the plan his plan shall be rejected and shall not become law.

If the plan or plans were rejected under either of these amendments the President could then submit another plan or plans, and in this way we would maintain our constitutional integrity and in the end I believe we could get a real reorganization that would bring about real efficiency and economy in government.

The Republicans have made a vigorous fight to preserve the constitutional powers of Congress. The Democrats have more than 50 majority in the House. We all agree there must be a real reorganization, cut out useless commissions, bureaus, and agencies, and useless offices. If the amendments offered by the Republicans are defeated, I shall vote to recommit the bill, and if this motion fails, I may vote for the bill with a lot of misgivings; but I do not want it said that I stood in the way of the Democrats in cutting out these useless agencies and unnecessary officeholders and with the hope that the Senate may improve the bill.

The St. Lawrence Seaway—An Unwanted Project

EXTENSION OF REMARKS OF

HON. JOHN C. BUTLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1945

Mr. BUTLER. Mr. Speaker, the St. Lawrence scheme of today offers as many dangers to the Niagara frontier and the whole eastern seaboard industries and labor as it did in 1919. Although the golden bait of cheaper electric power may put some of our New York delegation into a zone of twilight sleep, the waterway provisions are still included in the pending legislation. There lies the danger to the vast and fast transportation and industrial empire in western New York. Business interests in the port of Buffalo already have lost hundreds of thousands of dollars in revenue since the deepening of the Welland Canal.

Lake shipping interests all agree that all the ocean shipping would leave ports on the Great Lakes in ocean bottoms and that would leave ports on the Great Lakes to compete for domestic traffic. The entry of foreign ships to the Great Lakes trade would injure the American merchant marine and would subject our sailors to competition with foreign seamen with much lower wages and living conditions aboard the vessels.

The return of normal shipping on the Lakes in coastwise and intercoastal trades together with the ability of the

trucking companies to repair and replace their present equipment will provide this country of ours with more means of transportation in the postwar period than will be necessary.

Our carriers have earned the praise and gratitude of everyone for their splendid contribution to the war effort and it would be a rank injustice to make them face the loss of traffic that does accompany cessation of hostilities with the further loss of revenue tonnage that would be diverted to the proposed seaway.

Any student of freight rate adjustments knows it is not without reason that the loss of revenue to the existing carriers resulting from loss of tonnage would be offset by increased rates on the remaining noncompetitive traffic. The proposed seaway would not reduce the over-all cost of this Nation's business and while it may be of some small value to a relatively small section this would be offset many times over by the cost of the project and the loss to those who would be adversely affected.

The claims of the large benefit to our grain farmers is not a fact. Stop and think not so long ago the United States was one of the largest grain countries and supplied a great portion of the world. Where has that industry gone? Why has it gone? Cheap labor and cost of production. We cannot live as foreign labor lives. So beware. You remember just a few years ago when South America came to your doorstep with grain cheaper than you could produce it. This will happen again if we spend the billions of dollars necessary for this project and its upkeep.

No subject has been more fully discussed by the American people for the last 20 years than the St. Lawrence seaway. The overwhelming mass of testimony and irrefutable facts presented in opposition to the proposed St. Lawrence seaway at the hearings before the Rivers and Harbors Committee during July of 1941 clearly shows the incalculable injury that would be inflicted on the transportation system of the United States, both land and water. The destruction of port values especially on the eastern seaboard and the disruption to shipping and industry generally.

The project is economically and commercially unsound. The tax burden without corresponding benefits and the permanent detriment on banking and industry, employment and purchasing power, increase in unemployment affecting a large army of railroad men, miners, seamen, and many other industries. Even if this were economically sound, which it certainly is not, the result of its development would not be available for many years, and what the postwar conditions are to be is beyond the comprehension of even the keenest and broadest scientific mind.

Of one thing we can be sure,—namely, that it will be many years before we recover from the enormous financial burden and loss of manpower due to the years of war.

I do hope the men who have been elected to represent the people, especially of New York State, will not run out on them. Some of our people have a change

of mind after an election. Our senior Senator from New York apparently has had a change of heart. I cannot believe that anyone who so vigorously fought against this project can be wholeheartedly for it now. Members of Congress from New York should present a solid front against this project, and it is my hope our senior Senator will join with the opponents of this project and not split up the delegation.

Some of our greatest engineers have testified this is one of the projects that at best would only be navigable 7 months of the year.

It looks to me now as though Congress is getting ready to dispose of a lot of our surplus ships built at the cost of our tax payers by turning them over to our foreign competitors. I am sure the average American citizen who believes in American labor and industry will not be for building this huge project. The opponents of this seaway should all band together and defeat this effort to sell America down the river.

Have We Trapped Them?

EXTENSION OF REMARKS

OF

HON. GEORGE B. SCHWABE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1945

Mr. SCHWABE of Oklahoma. Mr. Speaker, under leave to extend my remarks in the Record, I include the following editorial by Richard Lloyd Jones, appearing in the Tulsa Tribune, Tulsa, Okla. September 29, 1945:

HAVE WE TRAPPED THEM?

(By Richard Lloyd Jones)

What's the big idea? The war is over. The boys who won our victories in Europe and in the Pacific should be returned to their homes without all this delay.

Hundreds of thousands of precious sons and daughters have given their lives that America might forever remain the "land of the free and the home of the brave." We now betray their faith in freedom if we keep their comrades who survive them in a vast idle army to accommodate a lot of brass hats.

In the last national campaign Governor Dewey time and time again warned that plans were being made to keep the soldiers in service after the war was won.

Victory is won. And we now face exactly the same economic confusion that we were in when the war began. The party in power is unequal to the task of guaranteeing freedom of enterprise that full employment for all willing workers might return us to the robust national health that was our tradition for a hundred and fifty years.

Governor Dewey was right when he accused the party in power of needing a war to make jobs for the jobless. Now that the war is won the party in power betrays our men who won the war if the only solution they can devise for jobs for all is to keep our boys in uniform on petty soldier pay.

Technically we are still at war with both Germany and Japan and will be until Congress declares the war ended. But the fighting is ended. Our enemies have surrendered and laid down their arms. For Congress to delay official acknowledgment of the war's end is to play a contemptible political game

79TH CONGRESS
1ST SESSION

H. R. 4129

IN THE SENATE OF THE UNITED STATES

OCTOBER 5 (legislative day, OCTOBER 2), 1945

Read twice and referred to the Committee on the Judiciary

AN ACT

To provide for reorganizing agencies of the Government, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 TITLE I

4 SHORT TITLE

5 SECTION 1. This Act may be cited as the "Reorganiza-
6 tion Act of 1945".

7 NEED FOR REORGANIZATIONS

8 SEC. 2. (a) The President shall investigate the organiza-
9 tion of all agencies of the Government and shall determine
10 what changes therein are necessary to accomplish the follow-
11 ing purposes:

1 (1) to reduce expenditures and promote economy,
2 to the fullest extent consistent with the efficient operation
3 of the Government;

4 (2) to increase the efficiency of the operations of
5 the Government to the fullest extent practicable within
6 the revenues;

7 (3) to group, coordinate, and consolidate agencies
8 and functions of the Government, as nearly as may be,
9 according to major purposes;

10 (4) to reduce the number of agencies by consoli-
11 dating those having similar functions under a single
12 head, and to abolish such agencies or functions thereof as
13 may not be necessary for the efficient conduct of the
14 Government; and

15 (5) to eliminate overlapping and duplication of
16 effort.

17 (b) The Congress declares that the public interest de-
18 mands the carrying out of the purposes specified in subsec-
19 tion (a) and that such purposes may be accomplished in
20 great measure by proceeding immediately under the provi-
21 sions of this Act, and can be accomplished more speedily
22 thereby than by the enactment of specific legislation.

23 (c) It is the policy and expectation of the Congress
24 that the transfers, consolidations, and abolitions contained
25 in any reorganization plan under this Act shall accomplish

1 an over-all reduction of at least 25 per centum in the adminis-
2 trative costs of the agency or agencies affected by such plan.

3 REORGANIZATION PLANS

4 SEC. 3. Whenever the President, after investigation,
5 finds that—

6 (1) the transfer of the whole or any part of any
7 agency, or of the whole or any part of the functions
8 thereof, to the jurisdiction and control of any other
9 agency; or

10 (2) the abolition of all or any part of the functions
11 of any agency; or

12 (3) the consolidation of the whole or any part of
13 any agency, or of the whole or any part of the func-
14 tions thereof, with the whole or any part of any other
15 agency or the functions thereof; or

16 (4) the consolidation of any part of any agency
17 or the functions thereof with any other part of the
18 same agency or the functions thereof; or

19 (5) the abolition of the whole or any part of any
20 agency which agency or part does not have, or upon
21 the taking effect of the reorganizations specified in the
22 reorganization plan will not have, any functions,

23 is necessary to accomplish one or more of the purposes of
24 section 2 (a), he shall prepare a reorganization plan for the
25 making of the transfers, consolidations, and abolitions, as

1 to which he has made findings and which he includes in
2 the plan, and transmit such plan (bearing an identifying
3 number) to the Congress, together with a declaration that,
4 with respect to each transfer, consolidation, or abolition re-
5 ferred to in paragraph (1), (2), (3), (4), or (5) of this
6 section and specified in the plan, he has found that such trans-
7 fer, consolidation, or abolition is necessary to accomplish one
8 or more of the purposes of section 2 (a). The delivery to
9 both Houses shall be on the same day and shall be made
10 to each House while it is in session. The President, in his
11 message transmitting a reorganization plan, shall (i) state,
12 to such extent as he deems practicable, approximately the
13 reduction of expenditures, if any, which it is probable will be
14 brought about by the taking effect of the reorganizations
15 specified in the plan, and (ii) specify with respect to each
16 abolition of functions specified in the plan the statutory
17 authority for the exercise of such function.

18 OTHER CONTENTS OF PLANS

19 SEC. 4. Any reorganization plan transmitted by the
20 President under section 3—

21 (1) shall change, in such cases as he deems neces-
22 sary, the name of any agency affected by a reorgani-
23 zation, and the title of its head; and shall designate the
24 name of any agency resulting from a reorganization and
25 the title of its head;

(2) may include provisions for the appointment and compensation of the head and one or more assistant heads of any agency (including an agency resulting from a consolidation) if the President finds, and in his message transmitting the plan declares, that by reason of transfers and consolidations made by the plan, the responsibilities and duties of such head are of such nature as to require such action. The head so provided for may be an individual or may be a commission or board with two or more members. In the case of any such appointment the term of office shall not be fixed at more than four years, the compensation shall not be at a rate in excess of \$12,000 per annum, and, if the compensation is at a rate in excess of the highest per annum rate which, without specific authorization or appropriation therefor, can be assigned to any position under the Classification Act of 1923, as amended, the appointment shall be by the President, by and with the advice and consent of the Senate;

(3) shall make provision for the transfer or other disposition of the records, property (including office equipment), and personnel affected by any transfer, consolidation, or abolition;

(4) shall make provision for the transfer of such un-

1 expended balances of appropriations available for
2 use in connection with any function or agency trans-
3 ferred or consolidated, as he deems necessary by reason
4 of the transfer or consolidation for use in connection with
5 the transferred or consolidated functions, or for the use
6 of the agency to which the transfer is made, but such un-
7 expended balances so transferred shall be used only for
8 the purposes for which such appropriation was originally
9 made;

10 (5) shall make provision for winding up the affairs
11 of any agency abolished.

12 LIMITATIONS ON POWERS WITH RESPECT TO
13 REORGANIZATIONS

14 SEC. 5. (a) No reorganization plan shall provide for,
15 and no reorganization under this Act shall have the effect
16 of—

17 (1) abolishing or transferring an executive de-
18 partment or all the functions thereof or establishing any
19 new executive department; or

20 (2) changing the name of any executive depart-
21 ment or the title of its head, or designating any agency
22 as “Department” or its head as “Secretary”; or

23 (3) continuing any agency beyond the period au-
24 thorized by law for its existence or beyond the time

1 when it would have terminated if the reorganization
2 had not been made; or

3 (4) continuing any function beyond the period
4 authorized by law for its exercise, or beyond the time
5 when it would have terminated if the reorganization
6 had not been made, or beyond the time when the agency
7 in which it was vested before the reorganization would
8 have terminated if the reorganization had not been
9 made; or

10 (5) authorizing any agency to exercise any func-
11 tion which is not expressly authorized by law.

12 (b) No reorganization plan shall provide for any
13 reorganization affecting any agency named below in this
14 subsection; except that this prohibition shall not apply to
15 the transfer to such agency of the whole or any part of, or
16 the whole or any part of the functions of, any agency not
17 so named. No reorganization contained in any reorganiza-
18 tion plan shall take effect if the reorganization plan is in
19 violation of this subsection. The agencies above referred
20 to in this subsection are as follows: Interstate Commerce
21 Commission, Federal Trade Commission, and Securities and
22 Exchange Commission. No reorganization plan shall affect
23 any provision of the Railroad Retirement Acts, as amended,
24 or of subchapter B of chapter 9 of the Internal Revenue

1 Code, as amended, or of the Railroad Unemployment Insur-
2 ance Act, as amended, or of the Railway Labor Act, as
3 amended; nor shall any such plan affect any agency function-
4 ing pursuant to, or any function being performed pursuant
5 to, any of such Acts except functions of the Bureau of
6 Internal Revenue not related to subchapter B of chapter 9
7 of the Internal Revenue Code.

8 (c) No reorganization plan shall provide for a re-
9 organization affecting any agency named below in this sub-
10 section if it also provides for a reorganization which does not
11 affect such agency; except that this prohibition shall not
12 apply to the transfer to such agency of the whole or any part
13 of, or the whole or any part of the functions of, any
14 agency not so named. No reorganization contained in
15 any reorganization plan shall take effect if the reorganiza-
16 tion plan is in violation of this subsection. The agencies
17 above referred to in this subsection are as follows: Civil
18 Service Commission, Federal Communications Commission,
19 Federal Deposit Insurance Corporation, United States Tariff
20 Commission, and Veterans' Administration.

21 (d) No reorganization plan shall provide for any re-
22 organization which abolishes any civil function of the Engi-
23 neer Corps of the United States Army, or of its head, or
24 which vests any such civil function in any agency which is
25 not within the control and jurisdiction of the Department

1 of War, if such reorganization plan also provides for any
2 reorganization not referred to above in this subsection; but
3 this prohibition shall not apply to the transfer to such Corps
4 of the whole or any part of, or the whole or any part of
5 the functions of, any other agency. No reorganization con-
6 tained in any reorganization plan shall take effect if the
7 reorganization plan is in violation of this subsection.

8 (e) No reorganization specified in a reorganization
9 plan shall take effect unless the plan is transmitted to the
10 Congress before July 1, 1948.

11 TAKING EFFECT OF REORGANIZATIONS

12 SEC. 6. (a) The reorganizations specified in the plan
13 shall take effect in accordance with the plan upon the
14 expiration of the first period of sixty calendar days, of con-
15 tinuous session of the Congress, following the date on which
16 the plan is transmitted to it; but only if, between the date
17 of transmittal and the expiration of such sixty-day period
18 there has not been passed by the two Houses a concurrent
19 resolution stating in substance that the Congress does not
20 favor the reorganization plan.

21 (b) For the purposes of subsection (a) —

22 (1) continuity of session shall be considered as
23 broken only by an adjournment of the Congress sine
24 die; but

1 (2) in the computation of the sixty-day period
2 there shall be excluded the days on which either House
3 is not in session because of an adjournment of more
4 than three days to a day certain; except that if a resolu-
5 tion (as defined in section 102) with respect to such
6 reorganization plan has been passed by one House and
7 sent to the other, no exclusion under this paragraph shall
8 be made by reason of adjournments of the first House
9 taken thereafter.

10 DEFINITION OF "AGENCY"

11 SEC. 7. When used in this Act, the term "agency"
12 means any executive department, commission, independent
13 establishment, corporation wholly or partly owned by the
14 United States which is an instrumentality of the United
15 States, board, bureau, division, service, office, officer, author-
16 ity, or administration, in the executive branch of the Gov-
17 ernment. Such term does not include the Comptroller
18 General of the United States or the General Accounting
19 Office, which are a part of the legislative branch of the
20 Government.

21 MATTERS DEEMED TO BE REORGANIZATIONS

22 SEC. 8. For the purposes of this Act any transfer, con-
23 solidation, abolition, designation, disposition, or winding up
24 of affairs, or provision for the appointment and compensation

1 of the head or assistant heads of an agency, referred to in
2 section 3 or 4, shall be deemed a "reorganization".

3 SAVING PROVISIONS

4 SEC. 9. (a) (1) Any statute enacted, and any regula-
5 tion or other action made, prescribed, issued, granted, or
6 performed, in respect of or by any agency or function trans-
7 ferred to or consolidated with any other agency or function
8 under the provisions of this Act, before the effective date of
9 such transfer or consolidation, shall, except to the extent
10 rescinded, modified, superseded, or made inapplicable by or
11 under authority of law, have the same effect as if such trans-
12 fer or consolidation had not been made; but where any such
13 statute, regulation, or other action has vested functions in
14 the agency from which the transfer is made under the plan,
15 such functions shall, insofar as they are to be exercised after
16 the transfer, be considered as vested in the agency to which
17 the transfer is made under the plan.

18 (2) As used in paragraph (1) of this subsection the
19 term "regulation or other action" means any regulation, rule,
20 order, policy, determination, directive, authorization, permit,
21 privilege, requirement, designation, or other action.

22 (b) No suit, action, or other proceeding lawfully com-
23 menced by or against the head of any agency or other officer
24 of the United States, in his official capacity or in relation
25 to the discharge of his official duties, shall abate by reason

1 of any transfer of authority, power, and duties from one
2 officer or agency of the Government to another under the
3 provisions of this Act, but the court, on motion or supple-
4 mental petition filed at any time within twelve months
5 after such transfer takes effect, showing a necessity for a
6 survival of such suit, action, or other proceeding to obtain
7 a settlement of the questions involved, shall allow the same
8 to be maintained by or against the head of the agency or
9 other officer of the United States to whom the authority,
10 powers, and duties are transferred.

11 UNEXPENDED APPROPRIATIONS

12 SEC. 10. The appropriations or portions of appropria-
13 tions unexpended by reason of the operation of this Act
14 shall not be used for any purpose, but shall be impounded
15 and returned to the Treasury.

16 PRINTING OF REORGANIZATION PLANS

17 SEC. 11. If the reorganizations specified in a reor-
18 ganization plan take effect, the reorganization plan shall be
19 printed in the Statutes at Large in the same volume as the
20 public laws, and shall be printed in the Federal Register.

21 TITLE II

22 SEC. 101. The following sections of this title are enacted
23 by the Congress:

24 (a) As an exercise of the rule-making power of the
25 Senate and the House of Representatives, respectively, and

1 as such they shall be considered as part of the rules of each
2 House, respectively, but applicable only with respect to
3 the procedure to be followed in such House in the case of
4 resolutions (as defined in section 102) ; and such rules shall
5 supersede other rules only to the extent that they are incon-
6 sistent therewith; and

7 (b) With full recognition of the constitutional right of
8 either House to change such rules (so far as relating to the
9 procedure in such House) at any time, in the same manner
10 and to the same extent as in the case of any other rule of
11 such House.

12 SEC. 102. As used in this title, the term "resolution"
13 means only a concurrent resolution of the two Houses of
14 Congress, the matter after the resolving clause of which
15 is as follows: "That the Congress does not favor the re-
16 organization plan numbered transmitted to Congress
17 by the President on , 19 .", the blank
18 spaces therein being appropriately filled; and does not include
19 a concurrent resolution which specifies more than one re-
20 organization plan.

21 SEC. 103. A resolution with respect to a reorganization
22 plan shall be referred to a committee (and all resolutions
23 with respect to the same plan shall be referred to the same
24 committee) by the President of the Senate or the Speaker
25 of the House of Representatives, as the case may be.

1 SEC. 104. (a) If the committee to which has been re-
2 ferred a resolution with respect to a reorganization plan
3 has not reported it before the expiration of ten calendar days
4 after its introduction (or, in the case of a resolution received
5 from the other House, ten calendar days after its receipt),
6 it shall then (but not before) be in order to move either to
7 discharge the committee from further consideration of such
8 resolution, or to discharge the committee from further con-
9 sideration of any other resolution with respect to such
10 reorganization plan which has been referred to the committee.

11 (b) Such motion may be made only by a person favor-
12 ing the resolution, shall be highly privileged (except that it
13 may not be made after the committee has reported a resolu-
14 tion with respect to the same reorganization plan), and de-
15 bate thereon shall be limited to not to exceed one hour, to be
16 equally divided between those favoring and those opposing
17 the resolution. No amendment to such motion shall be in
18 order, and it shall not be in order to move to reconsider the
19 vote by which such motion is agreed to or disagreed to.

20 (c) If the motion to discharge is agreed to or disagreed
21 to, such motion may not be renewed, nor may another mo-
22 tion to discharge the committee be made with respect to any
23 other resolution with respect to the same reorganization plan.

24 SEC. 105. (a) When the committee has reported, or
25 has been discharged from further consideration of, a resolution

1 with respect to a reorganization plan, it shall at any time
2 thereafter be in order (even though a previous motion to the
3 same effect has been disagreed to) to move to proceed to the
4 consideration of such resolution. Such motion shall be highly
5 privileged and shall not be debatable. No amendment to
6 such motion shall be in order and it shall not be in order to
7 move to reconsider the vote by which such motion is agreed
8 to or disagreed to.

9 (b) Debate on the resolution shall be limited to not to
10 exceed ten hours, which shall be equally divided between
11 those favoring and those opposing the resolution. A motion
12 further to limit debate shall not be debatable. No amend-
13 ment to, or motion to recommit, the resolution shall be in
14 order, and it shall not be in order to move to reconsider
15 the vote by which the resolution is agreed to or disagreed to.

16 SEC. 106. (a) All motions to postpone, made with
17 respect to the discharge from committee, or the consideration
18 of, a resolution with respect to a reorganization plan, and
19 all motions to proceed to the consideration of other business,
20 shall be decided without debate.

21 (b) All appeals from the decisions of the Chair relating
22 to the application of the rules of the Senate or the House of
23 Representatives, as the case may be, to the procedure re-
24 lating to a resolution with respect to a reorganization plan
25 shall be decided without debate.

1 SEC. 107. If, prior to the passage by one House of a
2 resolution of that House with respect to a reorganization
3 plan, such House receives from the other House a resolution
4 with respect to the same plan, then—

5 (a) If no resolution of the first House with respect to
6 such plan has been referred to committee, no other resolution
7 with respect to the same plan may be reported or (despite
8 the provisions of section 104 (a)) be made the subject of a
9 motion to discharge.

10 (b) If a resolution of the first House with respect to
11 such plan has been referred to committee—

12 (1) the procedure with respect to that or other
13 resolutions of such House with respect to such plan
14 which have been referred to committee shall be the
15 same as if no resolution from the other House with re-
16 spect to such plan had been received; but

17 (2) on any vote on final passage of a resolution
18 of the first House with respect to such plan the resolution
19 from the other House with respect to such plan shall be
20 automatically substituted for the resolution of the first
21 House.

Passed the House of Representatives October 4, 1945.

Attest:

SOUTH TRIMBLE,

Clerk.

79TH CONGRESS
1ST Session

H. R. 4129

AN ACT

To provide for reorganizing agencies of the Government, and for other purposes.

OCTOBER 5 (legislative day, OCTOBER 2), 1945
Read twice and referred to the Committee on the
Judiciary

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued October 19, 1945, for actions of Thursday, October 18, 1945)

(For staff of the Department only)

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HIGHLIGHTS: Senate Committee reported reorganization bill. Senate conferees appointed on bill to repeal land-grant rates on military and naval traffic. Senate passed bill to provide for use of surplus property in soil conservation and forestry programs. House agreed to resolution for consideration of appropriation-rescission bill.

SENATE

- GOVERNMENT REORGANIZATION. The Judiciary Committee reported with amendment S. 1120, the reorganization bill (S. Rept. 638) (p. 9917).
- SOIL CONSERVATION; FORESTRY; SURPLUS MATERIALS. Passed with amendments S. 1414, to assist in soil conservation, water conservation, and forestry work by making certain surplus materials available for such work through distribution by grant or loan to public bodies organized under State laws (pp. 9933-5).
Agreed to Sen. Ellender's (La.) amendment (suggested by this Department) to grant the Secretary of Agriculture priority given to Federal agencies under Sec. 12 of the Surplus Property Act (p. 9935).
- TRANSPORTATION; LAND-GRANT RATES. Sens. Johnson, Colo., McFarland, Ariz., Wheeler, Mont., Moore, Okla., and Reed, Kans., were appointed conferees on H. R. 694, to amend the Transportation Act to remove the statutory obligation to transport military and naval traffic over land-grant railroads at 50% of their established tariff charges for such transportation (p. 9925). House conferees appointed Oct. 10.
- MISSOURI VALLEY AUTHORITY. The Irrigation and Reclamation Committee reported adversely S. 555, to establish an MVA (S. Rept. 639). To Agriculture and Forestry Committee. (pp. 9917-8.)
- REVENUE BILL. Agreed to Sen. Barkley's (Ky.) request allowing the Finance Committee until Sat. midnight to file its report (p. 9926).
- SMALLER WAR PLANTS CORPORATION. Received WPB's report on the SWPC for the period

Aug. 1 to Sept. 30, 1945. To Banking and Currency Committee. (p. 9916.)

7. LIVESTOCK; PRODUCTION AWARD. Sen. Capper, Kans., inserted a Topeka Daily Capital article on awards to ^{a Kansas farm boy} for livestock and farm production (p. 9923).
8. RESEARCH. Sen. Fulbright, Ark., discussed the need for deferment of science students and included Secretary of War Patterson's and a Purdue University students' letter on the subject (pp. 9939-41).
9. HOUSING; OPA. Sen. Taylor, Idaho, commended OPA's accomplishments and discussed the need for price ceilings on housing with respect to full employment and veterans' benefits; and included an International Teamster article on the subject (pp. 9935-7).
10. NOMINATIONS. The Foreign Relations Committee reported favorably the nomination of Spruille Braden to be an Assistant Secretary of State (p. 9946).
Confirmed the nomination of John F. Sonnett to be Assistant Attorney General (p. 9946).
11. INDUSTRIAL DECENTRALIZATION. Sen. McCarran, Nev., inserted a letter from several Senators and W. B. Rogers' (Conn. Development Commission) commending the work of the Special Committee to Investigate Industrial Decentralization (pp. 9918-19).
12. EMPLOYMENT. Sen. Murray, Mont., inserted his summary of S. 1456, to provide for the clarification of the status of the U.S. Employment Service (pp. 9922-3).
13. SURPLUS PROPERTY. Sen. O'Mahoney, Wyo., submitted the Military Affairs Committee report (pursuant to S. Res. 46, authorizing an investigation into war contracts and their termination) on surplus property disposal in Canada (S. Rept. 199, Part 4) (p. 9917).
14. ADJOURNED until Mon., Oct. 22 (p. 9946).

HOUSE

15. FIRST SUPPLEMENTAL SURPLUS APPROPRIATION-RESCISSION BILL, 1946. Agreed to resolution for consideration of this bill, H.R. 4407 (pp. 9969-75). During discussion on the resolution Rep. Cox, Ga., urged complete cooperation between management and capital, labor, and agriculture (p. 9971).
16. FEDERAL-AID AIRPORT BILL. Passed with amendment S. 2, the Federal-aid airport bill (pp. 9950-68). Agreed to Rep. Bulwinkle's (N.C.) amendment to substitute the language of H.R. 3615 (the House version) for that of S. 2 (the Senate version) (pp. 9965-8).
17. ACCOUNTING. Expenditures in the Executive Departments Committee reported without amendment H.R. 4350, relating to the issuance of checks in replacement of lost, etc., U.S. checks (H.Rept. 1132) (p. 9977).
18. SURPLUS PROPERTY. Rep. Weichel, Ohio, criticized publication procedures in surplus property disposal and cited an example (p. 9949).

BILLS INTRODUCED

19. EMPLOYMENT. H.R. 4437, by Rep. Ramspeck, Ga., to provide for the return of public employment offices to State operation. To Labor Committee. (p. 9978).
20. FLOOD CONTROL. H. R. 4438, by Rep. Whitten, Miss., to amend the Flood Control

step away from the objectives outlined above, in which we believe.

Sincerely,

WALTER F. GEORGE, ELMER THOMAS, H. M. KILGORE, JOSEPH C. O'MAHONEY, A. B. CHANDLER, E. H. MOORE, CHAN GURNEY, WARREN G. MAGNUSON, HARLAN J. BUSHFIELD, CLYDE R. HOEY, ARTHUR CAPPER, WILLIAM F. KNOWLAND, J. W. FULBRIGHT, HENRIK SHIPSTEAD, JAMES E. MURRAY, WILLIAM LANGER, DENNIS CHAVEZ, LISTER HILL, B. B. HICKENLOOPER, CLAUDE PEPPER, GEO. A. WILSON, ED. C. JOHNSON, TOM STEWART, PAT MCCARRAN, ABE MURDOCK, E. V. ROBERTSON, KENNETH MCKELLAR, M. E. TYDINGS, J. H. BANKHEAD, JOHN L. MCCLELLAN, RICHARD B. RUSSELL, BURNET R. MAYBANK, EUGENE D. MILLIKIN, GUY CORDON, HUGH BUTLER, ALEXANDER WILEY, CHAPMAN REVERCOMB, CHARLES O. ANDREWS, GLEN TAYLOR, THEO. G. BILBO, FRANK P. BRIGGS, JOHN H. OVERTON, WAYNE MORSE, JOHN THOMAS, JAMES O. EASTLAND, SHERIDAN DOWNEY, ROBERT M. LA FOLLETTE, JR., GEORGE L. RADCLIFFE, TOM CONNALLY.

HARTFORD, CONN., October 10, 1945.

Hon. PAT MCCARRAN,
United States Senate,
Washington, D. C.

Congratulations upon your clear-cut and clean-cut explanation of your conception of deindustrialization before Senate subcommittee Tuesday. Although of the opposite political party, I have always believed you to be one of the able and fair-minded Members of our august Senate and have doubted from the beginning of this matter that your objective was to leave industrialized New England without industry. I consider your energizing statements most wholesome.

WILLARD B. ROGERS,

Chairman,

Connecticut Development Commission.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BREWSTER, from the Committee on Naval Affairs:

S. 473. A bill relating to pay and allowances of officers of the retired list of the Regular Navy and Coast Guard performing active duty in the rank of rear admiral; without amendment (Rept. No. 640).

By Mr. WALSH, from the Committee on Naval Affairs:

S. 1438. A bill to provide additional inducements to citizens of the United States to make the United States Navy a career; with amendments (Rept. No. 641).

By Mr. O'DANIEL, from the Committee on Claims:

S. 1142. A bill for the relief of Florence Barrows; without amendment (Rept. No. 642);

S. 1296. A bill for the relief of John A. Hatcher; with an amendment (Rept. No. 643); and

H. R. 851. A bill for the relief of Oscar R. Steinert; with an amendment (Rept. No. 644).

By Mr. ELLENDER, from the Committee on Claims:

S. 1084. A bill for the relief of John C. May and Eva Jenkins May; with an amendment (Rept. No. 645).

By Mr. MORSE, from the Committee on Claims:

H. R. 1465. A bill for the relief of the State of California; without amendment (Rept. No. 143).

By Mr. JOHNSTON of South Carolina, from the Committee on Claims:

S. 1122. A bill for the relief of Charles Bryan; without amendment (Rept. No. 647);

S. 1131. A bill for the relief of Jess Hudson; without amendment (Rept. No. 648);

H. R. 1563. A bill for the relief of N. Owen Oxley and the legal guardian of Lamar Oxley, a minor; without amendment (Rept. No. 649); and

H. R. 1890. A bill for the relief of the estate of Peter G. Fabian, deceased; with an amendment (Rept. No. 650).

By Mr. CAPPER, from the Committee on Claims:

H. R. 2172. A bill for the relief of J. Clyde Marquis; without amendment (Rept. No. 651).

By Mr. LUCAS, from the Committee to Audit and Control the Contingent Expenses of the Senate:

S. Res. 179. Resolution creating a special committee to investigate problems relating to the development, use, and control of atomic energy; without additional amendment.

REORGANIZATION OF GOVERNMENT AGENCIES—REPORT ON SENATE BILL 1120

Mr. MCCARRAN. Mr. President, from the Committee on the Judiciary, I report favorably with an amendment Senate bill 1120, to provide for the reorganization of Government agencies, and for other purposes, and I submit a report (No. 638) thereon. I solicit and urge that every Senator read the report and the bill, because the matter is one which affects the Government of the United States most vitally, and it will be before the Senate for extended discussion.

The PRESIDENT pro tempore. The report will be received, and the bill will be placed on the calendar.

REPORT OF SURPLUS PROPERTY DISPOSAL IN CANADA (PT. 4 OF REPT. NO. 199)

Mr. O'MAHONEY. Mr. President, from the Committee on Military Affairs, I submit a report pursuant to Senate Resolution 46, authorizing an investigation of war contracts, termination of war contracts, and related problems.

The PRESIDENT pro tempore. The report will be received and printed.

MISSOURI VALLEY AUTHORITY—REPORT OF COMMITTEE ON IRRIGATION AND RECLAMATION (REPT. NO. 639)

Mr. OVERTON. Mr. President, from the Committee on Irrigation and Reclamation I submit an adverse report on Senate bill 555, to establish a Missouri Valley Authority to provide for unified water control and resource development on the Missouri River and surrounding region in the interest of the control and prevention of floods, the promotion of navigation and reclamation of the public lands, the promotion of family-type farming, the development of the recreational possibilities and the promotion of the general welfare of the area, the strengthening of the national defense, and for other purposes, known as the Missouri Valley Authority bill, accompanied by a revision of the bill made by the Committee on Irrigation and Reclamation.

The PRESIDENT pro tempore. Without objection—

Mr. MURRAY. Mr. President—

The PRESIDENT pro tempore. For what purpose does the Senator rise?

Mr. MURRAY. I rise to interrogate the Senator with reference to the report. I understand that the hearings have not been printed, and that there is

an intention to file a minority report in connection with this matter. I ask that the majority report be withheld until the minority report can be prepared. Of course, we have been anticipating this adverse report, but it seems to me that in the interest of placing both sides of the question before the Senate we ought to be permitted to file a minority report at the same time the majority report is filed.

The PRESIDENT pro tempore. Does the Senator from Montana object?

Mr. MURRAY. Yes; I object. I ask that the majority report be withheld until the minority report is ready.

Mr. OVERTON. Mr. President, I cannot accede to that suggestion. A member of the Committee on Irrigation and Reclamation who desired to submit a minority report suggested that he wanted to do so when the full committee was in session. The full committee instructed me to file the majority report today, and I am complying with that duty. The committee has a right to file its majority report. A minority report may be submitted at any time.

The PRESIDENT pro tempore. The Chair will state to the Senator from Montana that the Parliamentarian advises the Chair that the Senator from Louisiana is privileged to submit his report, and that the Senator from Montana may file a minority report at any time.

Mr. MURRAY. Mr. President, I regret very much to hear that ruling, because reports adverse to our bill have been coming to the Senate with great rapidity. I think it would be only fair if the majority report were withheld until the minority are able to set forth their views.

The PRESIDENT pro tempore. Of course, the Senator may appeal from the ruling of the Chair.

Mr. OVERTON. Mr. President, I should be very glad to accede to the request of the Senator from Montana; but the people throughout the Missouri River Basin, and practically all over the United States, are waiting for this report, and are crying for it.

Mr. MURRAY. Mr. President, in response I should like to say that polls which have been taken in the Missouri Valley have indicated that two-thirds of the people there are in favor of the Missouri Valley Authority, and that it is only a very small, special interest group with great wealth, of course, that is fighting the bill and undertaking to block its progress through the Senate.

Mr. OVERTON. Mr. President, I should like to make one other observation.

The PRESIDENT pro tempore. The Senator from Wyoming has the floor.

Mr. OVERTON. Mr. President, will the Senator yield to me?

Mr. O'MAHONEY. I yield.

Mr. OVERTON. Nine of the governors of the 10 Missouri Valley States have met and have resolved against this bill. A count of the newspapers in the Missouri Basin indicates that, 10 to 1, they have come out editorially against this bill. All the irrigation companies in the Missouri River Basin are on record as being against this bill. Whatever legislatures of the Missouri Basin States have acted

on this bill—and several of them have acted—have adopted resolutions against it.

The PRESIDENT pro tempore. The report on Senate bill 555 will be referred to the Committee on Agriculture and Forestry, under the provisions of Senate Resolution 97, agreed to March 15, 1945.

Mr. MURRAY. Mr. President, I should like again to refer briefly to the Missouri Valley Authority bill. I wish to say that the statement made by the distinguished senior Senator from Louisiana to the effect that the press of that area is opposed to this proposed legislation is not correct. The leading newspapers of the Missouri Valley area are supporting this measure. Both of the two great newspapers of St. Louis, the St. Louis Post-Dispatch and the St. Louis Star-Times, are supporting this bill. Two-thirds of the people of the valley have signified their approval of the bill, by polls. The opposition to the bill is by a special industry which is opposed to a bill because of a fear it might affect its interests, but which would be of tremendous benefit in the development of that area and of enormous benefit to the Nation as a whole. I think we should be permitted to submit our minority views in connection with this matter at the same time that the majority report is being filed.

The PRESIDENT pro tempore. The Senator can submit minority views at any time and they will be received and printed.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted a report thereon pursuant to law.

REPORT OF JOINT INAUGURAL COMMITTEE

Mr. BYRD. Mr. President, I submit a report of the Joint Inaugural Committee, showing an expenditure of \$526.02 for the inauguration of January 20, 1945.

An appropriation of \$25,000 was made on September 24, 1944, and, of this amount, \$24,473.98 is being returned to the Treasury.

I ask unanimous consent that the report may be printed in the RECORD.

There being no objection, the report submitted by Mr. BYRD was ordered to be printed in the RECORD, as follows:

Expenses of inaugural ceremonies, fiscal year 1945

Payee	Description of payment	Amount
Max Scher	Blueprints	\$39.43
Times-Herald	Advertising	2.40
The Washington Post	do	2.20
The Evening Star	do	2.20
Washington Daily News	do	2.04
U. S. Bureau of Engraving and Printing	Invitations	477.75
Total		526.02
Balance		24,473.98
Total		25,000.00

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

(Mr. WILEY introduced Senate bill 1487, which was referred to the Committee on Privileges and Elections, and appears under a separate heading.)

(Mr. TYDINGS introduced Senate bill 1488, which was referred to the Committee on Territories and Insular Affairs, and appears under a separate heading.)

(Mr. JOHNSON of Colorado (for Mr. THOMAS of Utah) introduced Senate bill 1489, which was referred to the Committee on Military Affairs, and appears under a separate heading.)

By Mr. HILL:

S. 1490. A bill to amend section 3646 of the Revised Statutes, as amended, relating to the issuance of checks in replacement of lost, stolen, destroyed, mutilated, or defaced checks, of the United States, and for other purposes, to the Committee on Expenditures in the Executive Departments.

By Mr. WALSH:

S. 1491. A bill to adjust the pay and allowances of members of the Navy Nurse Corps, and for other purposes;

S. 1492. A bill to reimburse certain Navy personnel and former Navy personnel for personal property lost or damaged as the result of a fire in building No. 141 at the United States naval repair base, San Diego, Calif., on May 1, 1945;

S. 1493. A bill to authorize the head of the postgraduate school of the United States Navy to confer masters and doctors degrees in engineering and related fields;

S. 1494. A bill to exempt Navy or Coast Guard vessels of special construction from the requirements as to the number, position, range, or arc of visibility of lights, and for other purposes; and

S. 1495. A bill for the relief of Constantine N. Perkins; to the Committee on Naval Affairs.

By Mr. SALTONSTALL (for himself and Mr. WALSH):

S. 1496. A bill to abolish the Parker River National Wildlife Refuge in Essex County, Mass., to authorize and direct the restoration to the former owners of the land comprising such refuge, and for other purposes, to the Committee on Agriculture and Forestry.

By Mr. MURRAY (for himself, Mr. HAYDEN, Mr. McFARLAND, and Mr. TAYLOR):

S. 1497. A bill for the relief of the owners of certain gold mines which were closed or the operations of which were curtailed by War Production Board Limitation Order L-208; to the Committee on Claims.

By Mr. WHEELER:

S. 1498. A bill authorizing the Secretary of the Interior to issue a patent in fee to Claude E. Milliken;

S. 1499. A bill authorizing the Secretary of the Interior to issue a patent in fee to Emma Croff Adams;

S. 1500. A bill authorizing the Secretary of the Interior to convey certain lands in the State of Montana to Peter Tange;

S. 1501. A bill authorizing the Secretary of the Interior to issue a patent in fee to Clarence M. Scott; and

S. 1502. A bill authorizing the Secretary of the Interior to sell certain lands in the State of Montana to Fred Clark; to the Committee on Indian Affairs.

By Mr. LUCAS:

S. 1503. A bill for the relief of Lewis L. Dudley; and

S. 1504. A bill for the relief of Edith Roberta Moore; to the Committee on Claims.

(Mr. O'MAHONEY (for himself, Mr. MURRAY, Mr. REVERCOMB, Mr. WHERRY, Mr. McCLELLAN, Mr. MITCHELL, Mr. TAYLOR, Mr. MAYBANK, and Mr. ROBERTSON) introduced Senate Joint Resolution 109, which was

passed, and appears under a separate heading.)

EXEMPTION FROM CERTAIN PROVISIONS OF LAW OF COUNSEL OF PEARL HARBOR COMMITTEE

Mr. BARKLEY. Mr. President, I send to the desk a joint resolution providing that the counsel of the committee to investigate the Pearl Harbor disaster shall be exempted from certain provisions of law. I ask that the joint resolution be referred to the appropriate committee.

The PRESIDENT pro tempore. Without objection, it is so ordered.

By Mr. BARKLEY:

S. J. Res. 110. Joint resolution to limit the operation of sections 109 and 113 of the Criminal Code, and sections 361, 365, and 366 of the Revised Statutes, and certain other provisions of law; to the Committee on the Judiciary.

DISPOSAL OF GOVERNMENT-OWNED ALUMINUM FACILITIES

Mr. WILEY obtained the floor.

Mr. O'MAHONEY. Mr. President, will the Senator from Wisconsin yield to me? Mr. WILEY. I yield.

Mr. O'MAHONEY. Mr. President, on September 21 of this year, in compliance with the Surplus Property Act, the Surplus Property Board submitted to the Congress a report on the disposal of the aluminum facilities owned by the Government of the United States. These facilities were built during the period of the war at a cost to the Government in excess of \$700,000,000. The problem of what the Government shall do with these plants is one of the most momentous questions now before the people. The report was submitted to the Military Affairs Committee and by that committee to the Subcommittee on Surplus Property. The subcommittee was unable to begin hearings upon the report until Monday last. Circumstances were such that it was altogether beyond the power of the committee to assemble prior to that date. The 30-day period, however, will expire before the end of this week. The hearings have been conducted by three committees, namely, the Committee on Small Business, which studied the problem of light metals over a long period, and submitted a very illuminating report earlier in the year; the Industrial Reorganization Subcommittee of the Special Select Committee on Postwar Economic Policy and Planning; and the legislative committee, the subcommittee of the Committee on Military Affairs.

Great interest was displayed in the hearings. Many Members of the Senate who are not members of the committee have participated, and several Members of the House of Representatives have come from the other Chamber to participate in the hearings.

The members of the committee have come to the conclusion that it is highly desirable in the public interest to extend the period of 30 days within which, under the Surplus Property Act, disposal may not be made. I am therefore authorized to introduce a joint resolution on behalf of Senators who are present this morning, the Senator from Montana [Mr. MURRAY], who is chairman of the Small Business Committee, and also a member of the Committee on Military Affairs; the Senator from West Virginia

79TH CONGRESS }
1st Session }

SENATE

{REPORT
{No. 638

REORGANIZATION OF GOVERNMENT AGENCIES

REPORT
FROM THE
COMMITTEE ON THE JUDICIARY
TO ACCOMPANY
S. 1120
A BILL TO PROVIDE FOR THE REORGANIZATION
OF GOVERNMENT AGENCIES, AND
FOR OTHER PURPOSES



OCTOBER 18, 1945.—Ordered to be printed

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REORGANIZATION OF GOVERNMENT AGENCIES

OCTOBER 18, 1945.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted
the following

REPORT

[To accompany S. 1120]

The Committee on the Judiciary, having had under consideration the bill S. 1120, report favorably thereon, with an amendment, and recommend that the bill do pass.

GENERAL STATEMENT

Organizational changes in the executive branch, for purposes of economy and efficiency, have been advocated more or less constantly for the last hundred years, and every President since Theodore Roosevelt has urged upon Congress such a reorganization. It was not until recent years, however, that any comprehensive legislation was enacted. (Particular reference is intended to the act of June 30, 1932, 47 Stat. 413, as amended, 47 Stat. 1517, 48 Stat. 16, and the Reorganization Act of 1939, 54 Stat. 561.) However, for various reasons, including time limitations on those statutes and economic changes caused by the depression in one case and the Second World War in the other, results which otherwise might have been possible were not realized. Title I of the First War Powers Act, 1941, relating exclusively to reorganization in the interest of the war effort, and of temporary duration, is wholly ineffective to accomplish general and permanent reorganization. The result has been that the executive branch has continued to sprawl and become more and more complex. The very scattering and complexity of the Government is a stimulus to that tendency. A reorganization of the executive branch is more imperative today than ever if we are to put this vast structure on a modern and workable basis, and effect economy, efficiency, and simplification in its administration.

Studies of the subject of governmental reorganization have clearly indicated, and experience has amply demonstrated, that effective organization and reorganization of the executive branch cannot be accomplished by leaping from crag to crag, but involves consideration of each agency, function by function, on the basis of a detailed and thorough study of what is required to obtain efficient and economical administration of that particular function of government.

Each decision must be reached on the basis of what constitutes sound policy in the light of all the facts pertaining to the performance of a particular function. The factors which may require consideration in any particular case have been summarized as follows:

1. The major purpose or objective of the agency. If this factor were dominant it would lead, for example, to grouping together in a single department all agencies having as their major purpose the promotion of public health or the promotion of education or the administration of relief.

2. The nature or character of the work done. This factor leads to grouping together all agencies engaged in a given type of work such as engineering, public construction, or collection and preparation of statistics.

3. The geographic area served. This factor comes into play in more remote, sparsely settled sections, where economy may be achieved by having a single agency perform all required services for a given area regardless of their objective or the nature of the work done.

4. Special clientele served. When the Government has a responsibility for a special group of the population, such as the veterans or the Indians, the factor of the group served may be dominant.

5. The need for Executive control. To some students this factor determines and restricts the total number of agencies that may efficiently report directly and independently to the Chief Executive. To others it involves primarily coordinating mechanisms that take care of the routine and leave only major problems to go to the Executive.

6. The nature of the powers exercised, whether they are administrative, quasi-legislative, or quasi-judicial. This factor becomes important when agencies have quasi-legislative or quasi-judicial duties.

7. The capacity of certain highly gifted individuals for organization and successful management. In private enterprise this factor means building organizations around one man or, perhaps more accurately, letting one man build around himself. In Government it often means decentralization of authority and responsibility so that gifted individuals have a large measure of responsibility and authority.

8. The need for speed in operation. One form of organization may be highly economical but slow; another for performing the same service may be fast but relatively expensive.

9. The maintenance of close cooperative relationships with the other levels of government. This factor arises where the National Government is cooperating with State, municipal, or county governments and must enlist and maintain their cooperation and good will.

The weighing of all these factors to arrive at a sound decision with respect to the reorganization of any agency is a job for which the

Chief Executive, by virtue of his office, is particularly well fitted. The President has the facilities with which to undertake this task. The Congress does not. Furthermore, since the President is responsible for the administration of the laws and the functioning of the executive branch, he should have the authority to determine, in the first instance, the manner in which the executive branch could function more efficiently and effectively in the administration of the laws.

This bill would authorize and direct the President to make the necessary investigations and studies, and to prepare and transmit to the Congress reorganization plans for transfers, consolidations or coordinations, and abolitions of agencies or functions.

This bill clearly involves the basic issues of proper legislative procedure in a democracy, and the division of powers as provided in the Constitution. Under the Constitution the Congress is given the power to determine the objectives of Government, the methods through which the attainment of these objectives shall be sought (including the form of organization and the appropriation of funds), and the devices to achieve broad control of public expenditures. These functions are legislative; and the basic legislative power, under the Constitution is vested in the two Houses of the Congress. No new law can be passed, nor any existing law amended or repealed, without the assent of a majority in each of the two Houses.

Under the Constitution, the President is primarily an executive. His function is to carry out the law as passed by the two Houses of the Congress. His constitutional power with respect to the legislative process is confined to (1) making recommendations to the Congress, and (2) approving or vetoing legislation passed by the two Houses, or permitting it to become law without his signature. If he vetoes a bill the two Houses, by a two-thirds vote in each House, may pass it over his veto. Nothing in the Constitution gives the President any power to make, to amend, or to repeal a law.

In an effort to achieve the practical objectives of reorganization of the executive branch, this bill provides that part of the legislative power of the Congress shall be delegated to the President, and that the action of the President, taken in the exercise of the legislative power so delegated, shall be the law of the land unless it be set aside by a resolution passed by a majority vote of either House.

Such a delegation of legislative power does not operate to deprive either House of the Congress of its constitutional right to have no change made in the law relating to organization of the Government without the assent of at least a majority of its Members present and voting.

Under this bill either House of the Congress, upon seeing precisely how the President proposes to exercise the general power delegated to him by this bill, will have, in effect, its own independent right to veto the Presidential action; and thus to retain the essential authority vested in it by the Constitution.

The President has the constitutional duty of recommending legislation to the Congress. To aid the President with respect to legislation relating to appropriations, organization, procedures, and administration in general, the Congress in 1921 passed the Budget and Accounting Act creating the Bureau of the Budget, which from the beginning has been under the direct control of the President and

which for several years now has been adequately financed. Section 209 of that act provides that—

The Bureau, when directed by the President, shall make a detailed study of the departments and establishments for the purpose of enabling the President to determine what changes (with a view of securing greater economy and efficiency in the conduct of the public service) should be made in (1) the existing organization, activities, and methods of business of such departments or establishments, (2) the appropriations therefor, (3) the assignment of particular activities to particular services, or (4) the regrouping of services. The results of such study shall be embodied in a report or reports to the President, who may transmit to Congress such report or reports or any part thereof with his recommendations on the matters covered thereby.

Prior to the passage of the Budget and Accounting Act, the long-established practice had been for department heads, bureau chiefs, and other responsible administrative officers, independently, to make recommendations to the congressional committees for changes in the law respecting organization and procedure, often in connection with recommendations for appropriations. To obtain centralized control over such recommendations and to coordinate them, the President, under Executive order, required all such recommendations to be cleared through the Bureau of the Budget. They cannot now be presented to the Congress directly without the approval of that Bureau, which is the agency of the President for coordinating and formulating recommendations regarding legislation affecting organization and administrative procedures.

It is uncontroverted that (1) the Bureau of the Budget is under the control of the President; (2) the Bureau of the Budget, in accordance with the orders of the President, can originate or coordinate and control recommendations for legislation affecting organization; (3) it can use for this purpose members of its own staff and experienced administrators throughout the service, creating and coordinating interdepartmental committees if that procedure seems advisable; and (4) it can present its recommendations in the form of a draft of a proposed bill ready for consideration by the Congress if the President decides to submit it.

It seems apparent that the President will make large use of the Bureau of the Budget in exercising the legislative power respecting reorganization which this bill delegates to him. The bill therefore contemplates the use of trained and experienced administrators in drafting the proposals for change.

In delegating certain legislative power to the President, this bill exempts from the exercise of such power the General Accounting Office and the Comptroller General and certain independent regulatory agencies. The Comptroller General has been exempted because he and his Office have long been regarded as an agency of the Congress to enforce the constitutional provision that no money shall be withdrawn from the Public Treasury except in pursuance of law. The regulatory agencies, to the extent that they have been granted by the Congress the power to make rules and regulations having the effect of law, are in a very real sense legislative agencies. Most of these regulatory agencies also exercise quasi-judicial functions of some extent. In greater or less degree, depending upon circumstances, it is necessary to protect these agencies from partisan political action in order to preserve the necessary degree of continuity in public policy.

Under the American system of government, the President is the leader of his political party and is, at times, under great pressure to take partisan political action. The exemptions contained in this bill will limit the effective sphere of such pressure.

It is proper to consider whether the exemption of these agencies will hamper effective reorganization or unduly limit the possible economies which may flow therefrom. In this connection, it is significant to note that the 10 largest agencies in the executive branch embrace over 90 percent of the total number of paid employees. The 20 largest agencies embrace over 97 percent of such employees. Among these 20 largest agencies there is only one which is exempted from this bill: the General Accounting Office, which in June 1945 ranked sixteenth in size and had 13,669 employees, representing less than one-half of 1 percent of the total number of employees in the executive branch. The regulatory boards and commissions exempted come much farther down the list. The largest and oldest, the Interstate Commerce Commission, ranked thirty-third in June of this year, with 2,015 employees, representing substantially less than one-tenth of 1 percent of the total. Among other regulatory agencies exempted are the Federal Communications Commission, ranked thirty-seventh, with 1,362 employees; the Securities and Exchange Commission, ranked thirty-eighth, with 1,151 employees; the Federal Power Commission, ranked forty-fifth, with 636 employees; and the Federal Trade Commission, ranked forty-eighth, with 453 employees.

It is apparent that so far as possible monetary savings through reorganization are concerned, exemption of the regulatory agencies is a matter of small consequence. The important issues with respect to such agencies involve not expenditures but matters of basic fundamental policy regarding the extent to which they shall be subject to Executive control, and whether they shall or shall not be in any way subordinated to a department head, selected by the President as a member of his official family. Issues of this nature involve major matters of public policy, which should not be changed except by the democratic legislative process in full and unquestionable accord with the Constitution.

Attention is directed to subparagraph (h) of section 2 of this bill which represents an attempt by the committee to protect the independent exercise of quasi-judicial authority now vested, by act of Congress, in agencies in the executive branch. The committee recognizes that the exemptions contained in the bill as reported may be changed or deleted before the bill is enacted in its final form; and the committee strongly urges that, whatever is done with respect to such exemptions, the provision contained in subparagraph (h) of section 2 be retained.

This report will not attempt to recount all of the points raised for consideration during the more than 4 months in which this bill has been before the Committee on the Judiciary and its subcommittee. However, some additional points beyond those already discussed are worthy of mention. The order in which they are here presented should not be taken as an indication of the relative importance assigned to each or any of them by the committee.

The bill specifically authorizes the abolition of functions, under a reorganization plan; and the committee believes that a grant of such

authority is essential if any real economies are to be achieved through reorganization. On the other hand, the committee does not favor any grant of authority to the Chief Executive to create any new functions, and the bill prohibits any provision in a reorganization plan authorizing any agency to exercise any function which is not expressly authorized by law at the time the plan is transmitted to the Congress.

Consideration was given in committee to the question of merging two or more executive departments, and in this connection particular attention was given to the proposal, now being widely discussed, for merging the armed forces of the United States under a single Cabinet officer. Without regard to the question of whether this is desirable, the committee took the view that any such merger or consolidation should be effected, if at all, by an affirmative act of the Congress.

The committee discussed at some length the question of the extent to which the President might, theoretically or practically, exercise the power to reorganize, with respect to the creation of new positions. These discussions led to inclusion of the proviso in subparagraph (5) of subsection 3 (b). The effect of this proviso is to require Senate confirmation of any person appointed to any office under a reorganization plan for a fixed term in excess of 4 years, or appointed as the head of an agency under a reorganization plan; and to require Senate confirmation of any person employed, under a reorganization plan, either as a policy maker or at a rate of compensation in excess of \$5,000 per year, unless the appointment is under the classified civil service. (The bill contains a definition of "policy maker" which the committee believes is the first satisfactory legislative definition of this term.) The second proviso of this same subparagraph sets a maximum of \$10,000 per year on the compensation which may be fixed for any person by a reorganization plan.

The committee was much concerned with the question of whether the Congress should have the right to make or suggest amendments to a reorganization plan. While the objections to amendment of a reorganization plan on the floor of either House of the Congress, or even in committee, are obvious and serious, it was felt that opportunity should be afforded either House of the Congress to suggest to the President any particular change or amendment. It is the view of the committee that the President might well see fit to accept such a recommendation; and, being intimately familiar with the reorganization plan as an integrated whole, could make the specific change suggested without doing violence to any other provisions of the reorganization plan. This view, taken by the committee, is responsible for inclusion in the bill of the proviso in subsection 4 (a). It should be noted that a resolution pursuant to this proviso, suggesting a specific change or changes in a reorganization plan, would not operate to void the plan, and that the President could, if he chose, disregard the suggestion and insist upon his original position. In such event, however, it is clear that he would need to muster and present cogent reasons for this flaunting the expressed will of one House of the Congress. Under this proviso opportunity is afforded to raise squarely any issue presented by a particular portion of a reorganization plan, without attacking the whole plan. At the same time, the President is given a defense in depth against objections to the plan; he may retreat a little way, and there stand his ground, without giving up his whole position.

As introduced, S. 1120 was by its terms permanent legislation. Objections on this point were raised in the committee, and a majority took the view that the grant of authority should be limited within the term of the Executive already in office, and should not be extended as permanent legislation to future Presidents, to some of whom Congress might not be willing to extend such authority. Subsection (d) of section 4 of the bill, as reported, limits the authority to submit a reorganization plan to the period ending June 30, 1947. It is anticipated that future Presidents may desire to ask Congress for reenactment of this legislation with respect to their terms of office; and in any such case the degree of confidence then reposed in the President by the Congress, together with the degree of success attained under this present legislation, if it is enacted into law, will be major considerations.

Supplementary to the general discussion above, the committee submits herewith a comparison of this bill with the Reorganization Act of 1939 and a summary of proposals for Government reorganization, as well as an appendix which the committee hopes will be of value to the Senate in its consideration of this measure.

COMPARISON OF S. 1120 WITH THE REORGANIZATION ACT OF 1939

PURPOSE OF S. 1120

The purpose of S. 1120 is to grant anew to the President the power to reorganize executive departments and agencies of the Government, subject to congressional veto of any specific proposed reorganization plan. The 1939 act required such veto by concurrent action of both Houses. The present bill permits either House to take effective action.

NECESSITY FOR NEW LEGISLATION

New legislation is necessary because the Reorganization Act of 1939, which conferred similar power, placed a time limit (January 21, 1941) for the transmittal of reorganization plans to Congress.

PURPOSES TO BE ACCOMPLISHED BY ORGANIZATIONAL CHANGES

Save for: (1) The omission of the declaration in the 1939 law to the effect that substantial reduction in Government expenditures is necessary, (2) omission of the words "within the revenues" at the end of the statement of the third purpose, viz, to "increase the efficiency of the operations of the Government to the fullest extent practicable," (3) the listing of two additional purposes (numbered 1 and 6, respectively), and (4) a few insignificant changes in wording, section 1 of the proposed bill, which lists purposes for which the changes in the Government structure shall be made, is identical with title I, part I, section 1 of the Reorganization Act of 1939.

PROVISIONS PROHIBITED IN REORGANIZATION PLANS

Under S. 1120 the scope of the President's power would be less broad than under the 1939 law, in that authority to reorganize quasi-judicial agencies is strictly limited. Provisions of the 1939 law exempting from reorganization authority 21 specified agencies are paralleled by the exemption of 12 agencies under this bill. The municipal

government of the District of Columbia would, under S. 1120, be included in the ban on transfers or abolitions which under the 1939 law applied only to executive departments. A new provision in S. 1120 would prohibit any reorganization plan which would provide for consolidating with any executive department any other executive department.

The provisions of section 3, subsections (d), (e), and (f) and of section 6, subsections (a), (b), and (c) of the 1939 law whereunder reorganization authority may not be used to effect the continuance of any agency or functions beyond the authorized term, or to permit the exercise of unauthorized functions, are consolidated in section 2, subsections (a), (b), and (c) of S. 1120.

FINDINGS BY THE PRESIDENT

Findings by the President as to measures necessary to accomplish the purposes of the act, which impose upon him the duty to prepare a reorganization plan, include findings as to the necessity not only of the transfer of an agency or of its functions, consolidation of functions of any agency, and abolition of an agency which will not have any functions (as under sec. 4 of the 1939 law) but, in addition, findings as to the necessity of: (1) Coordination of the functions of different agencies; (2) intraagency consolidations, and coordination of functions; and (3) abolition of functions.

PROVISIONS OF A REORGANIZATION PLAN

Requirements imposed by S. 1120, section 3, subsection (b), as to provisions of a reorganization plan are similar to those imposed by section 4 subsection (d) of the 1939 law, except that under S. 1120: (1) Designation of the name of any agency affected by the reorganization is optional with the President, instead of mandatory, and no reference is made to the designation of the title of its head, and (2) the plan may provide for such further measures consistent with the prohibitions contained in section 2 as the President deems necessary for the administration of any agency affected by a reorganization, including provision for the appointment, compensation, and duties of the head or any officer thereof. A provision similar to section 9 of the 1939 law, to the effect that unexpended appropriations shall be impounded and returned to the Treasury, is incorporated in section 3 (b) (2) of S. 1120.

TRANSMITTAL OF PLAN TO CONGRESS

Except for a slight change in phraseology, the requirement as to transmittal of a reorganization plan to Congress is the same under S. 1120, as under the 1939 law, i. e., delivery to both Houses shall be on the same day and shall be made to each House while it is in session.

STATEMENT OF PROBABLE REDUCTION OF EXPENDITURES

S. 1120 contains no requirement similar to the requirement imposed by the last sentence of section 4 of the 1939 law to the effect that the

President, in his message transmitting a reorganization plan, shall state the reduction of expenditures that will probably be effected thereby.

EFFECTIVE DATES OF REORGANIZATION PLANS

Under S. 1120, section 4, subsection (a), as under section 5 of the 1939 law, (1) a reorganization plan shall take effect upon the expiration of 60 calendar days after its transmittal to Congress, unless "vetoed" within that period, and (2) in case of a sine die adjournment, a new 60-day period shall begin on the opening day of the next regular or special session. Under the 1939 act the congressional "veto" was by concurrent resolution of both Houses. S. 1120 gives the "veto" to either House, acting separately.

Under an added provision in S. 1120 (Sec. 4, subsec. (b)) any provision of a reorganization plan may, under provisions contained in the plan, be made operative at a time later than the date on which the plan shall otherwise take effect.

CONGRESSIONAL RULES FOR CONSIDERATION OF REORGANIZATION PLANS

The provisions of part 2 of title I of the Reorganization Act of 1939 (53 Stat. 564), as applicable to concurrent resolutions introduced in either House for the consideration of reorganization plans, would be reenacted substantially intact by S. 1120 and made applicable to a resolution of either House disapproving a plan.

PRINTING OF REORGANIZATION PLAN IN FEDERAL REGISTER AND IN STATUTES AT LARGE

Under S. 1120, section 4 (c), as under section 11 of the 1939 law, a reorganization plan which takes effect shall be printed in the Federal Register, and shall also be printed in the Statutes at Large in the same volume as the public laws.

TIME LIMITATION FOR TRANSMITTAL OF PLANS

Under section 12 of the 1939 law, no reorganization could take effect unless the plan therefor was transmitted to Congress before January 21, 1941. The comparable date under S. 1120 is July 1, 1947.

SEPARATIONS RESULTING FROM PERSONNEL REDUCTIONS; PREFERENTIAL STATUS

As under section 10 (a) of the 1939 law, preferential status as to appointment in the executive branch of the Government shall be given (S. 1120, sec. 5) to persons whose employment is terminated by a reduction in personnel resulting from a reorganization, but under S. 1120 this preference shall be accorded only to a person who served without time limitation. The requirement of section 10 (b) of the 1939 law to the effect that transfers shall be without change in classification or compensation is not included in S. 1120.

MISCELLANEOUS PROVISIONS

The provisions of section 8, subsections a, b, and c, of the 1939 law, dealing respectively with (a) continuation of rules, privileges, etc., of agencies affected by transfers or consolidations, (b) abatement of legal proceedings against officers, and (c) the remaining of applicable laws in force, are rewritten with minor changes in phraseology to cover any reorganization plan (S. 1120, sec. 6).

FIRST WAR POWERS ACT

The second sentence of section 5 of title I of the First War Powers Act, which provides for restoration to Government agencies, upon the termination of that title (6 months after the termination of the war or such earlier time as may be designated by the Congress or the President) of functions which have been redistributed by the President under its authority, is repealed by section 8 of S. 1120.

BUDGETARY CONTROL; ADMINISTRATIVE ASSISTANTS TO THE PRESIDENT

Title II of the Reorganization Act of 1939, which brought independent regulatory commissions or boards under the budget system, and title III of that act, which authorized the President to appoint six administrative assistants, are unaffected by S. 1120.

SUMMARY OF PROPOSALS FOR GOVERNMENT REORGANIZATIONS,
1798-1945

For over 100 years after the establishment of the first Federal departments there was no thoroughgoing consideration of the organization of the executive branch. But as early as 1798 a congressional committee was appointed to investigate possible changes in the distribution of appropriations for the executive departments, and in 1822 a select committee was established to consider reduction of governmental expenditures. In 1828 a committee appointed to determine retrenchments that could be made "with safety to the public interest" commented on its difficulty in getting department heads to agree to retrenchment.

Although congressional committees such as the Cockrell committee (1887-89) and the Dockery committee (1893-95) were appointed from time to time to examine the business methods and procedures of the executive establishments, little attention was given to the broader problems of the organization and management of the many departments, bureaus, offices, etc.

President Theodore Roosevelt, in his fifth annual message to Congress on December 5, 1905, recommended a "rigid scrutiny of appropriations" in the interest of economy, and said that all unnecessary offices should be abolished. Declaring that many of the business methods of the departments were antiquated and inefficient, he asked Congress to consider providing—

legislation for the transfer, distribution, consolidation and assignment of duties of executive organizations or parts of organizations * * *.

In his seventh annual message 2 years later, he noted that two commissions appointed by him had investigated the organization of the scientific work of the Government and had studied the conduct of the executive force. He said legislation was necessary. Again, in his eighth message, he urged passage of a bill to authorize a redistribution of the bureaus, and he called for placing all existing independent bureaus and commissions under the jurisdiction of appropriate executive departments.

President Taft, in his first annual message, December 7, 1909, said it had been impossible in the preparation of estimates greatly to reduce the cost of permanent administration, and that this could not be done without a thorough reorganization of the bureaus, offices, and departments. At his request, Congress, in 1911, appropriated funds to enable him to undertake a study of the administrative organization. The Taft Commission on Economy and Efficiency (1910-13) recommended the adoption of a national budget system and the abolition of certain services and consolidation of others. The President sent several special messages to Congress on economy and efficiency in the Government service and submitted the Commission's recommendations, with his approval, but no action was taken.

President Wilson, in his second annual address to Congress, December 8, 1914, stated:

I think that it is generally agreed that there should be a systematic reorganization and reassembling of its (the Government's) parts so as to secure greater efficiency and effect considerable savings in expense.

He added that the people do not wish to curtail the activities of the Government—

it is not expenditure but extravagance that we should fear being criticized for.

In 1918 Congress passed the Overman Act (40 Stat. 556), giving the President authority—

to coordinate or consolidate executive bureaus, agencies and offices * * * in the interest of economy and the more efficient concentration of the Government, authority limited to war matters and expiring 6 months after the end of the war. Under the Overman Act President Wilson issued 24 Executive orders, but the changes made thereby had a positive effect on subsequent administrative organization only to the extent that they were carried over in legislative reorganization of the War Department by the National Defense Act as amended in 1920.

The Budget and Accounting Act of 1921 (42 Stat. 20) equipped the President with an effective arm of budgetary control by creating the Bureau of the Budget. By that act, also, the functions of the Comptroller of the Treasury and the six auditors were vested in the General Accounting Office, which was established as an independent agency, headed by the Comptroller General.

Prior to the passage of the Budget and Accounting Act, Congress, late in 1920, had created a Joint Committee on Reorganization. To this committee, in 1923, there was submitted a reorganization plan that had been worked out by President Harding and his Cabinet in 1922. The plan provided for consolidation of the War and Navy Departments into a Department of National Defense, for creation of

a new Department of Education and Public Welfare, and for changing the name of the Post Office Department to the Department of Communications; it contained a recommendation for placing under the several departments all of the independent agencies and establishments except those performing quasi-judicial functions or acting as service agencies for all departments, and included proposals to transfer the General Accounting Office to the Treasury Department and to eliminate all nonfiscal functions from the Treasury. At hearings held in 1924, the departments affected vigorously opposed the Harding plan, whereupon the joint committee modified it. No action was taken on bills.

President Coolidge, in his first three annual messages, 1923, 1924, and 1925, asked for legislation on reorganization, and in his fifth message, December 6, 1927, suggested that—

much good could be accomplished through the establishment of a department of education and relief.

Herbert Hoover, in 1924, testifying as Secretary of Commerce, before the Joint Committee on Reorganization, advocated bringing together functions in groups according to their purposes.

In 1928 both major political parties were pledged to an administrative reorganization of the Government. President Hoover, in his first annual message to Congress, December 3, 1929, recalled that departmental reorganization had been under consideration for over 20 years. He recommended:

First, all administrative activities of the same major purpose should be placed in groups under single-headed responsibility; second, all executive and administrative functions should be separated from boards and commissions and placed under individual responsibility, while quasi-legislative and quasi-judicial and broadly advisory functions should be removed from individual authority and assigned to boards and commissions.

On February 17, 1932, he sent a special message to Congress on reorganization of the executive departments.

Congress, in the Economy Act of 1932, granted authority to the President to reorganize departments by Executive order (47 Stat. 413). Any Executive order issued under the act was required to be submitted to the Congress and might be set aside by resolution of either branch thereof. In December 1932, President Hoover submitted a series of Executive orders regrouping and transferring 58 agencies. These orders were set aside by a resolution of the House on the ground that any reorganization should be made by the incoming President.

The provision of the Economy Act of 1932 which authorized either House of Congress to disapprove an Executive order was deemed unconstitutional by Attorney General Mitchell on the ground that there was no authority whereby either House acting alone could take legislative action.

On March 3, 1933, Congress amended the 1932 act, striking the section authorizing either branch of the Congress to set aside an Executive order and substituting therefor a provision that Executive orders issued under authority of the act would become effective 60 days after submission to the Congress (47 Stat. 1517). Other amendments included a provision terminating the President's authority at the end of 2 years. The act was further amended on March 20, 1933 (48 Stat. 13).

President Franklin D. Roosevelt, shortly after his inauguration, created a special committee to assist him in developing plans for administrative reorganization. Each Cabinet member was asked to submit a report on possible reorganization within his department. On May 31, 1933, however, it was announced that a comprehensive reorganization would have to be postponed because of urgent pressing problems. The creation of new agencies to carry on emergency activities resulted in a considerable increase in the number of independent agencies. Nevertheless, the President issued 27 Executive orders, and a number of important transfers and consolidations were made.

On March 20, 1936, President Roosevelt announced the appointment of a committee to investigate the executive branch of the Government and problems of administrative management, and he requested both Houses of Congress to create corresponding special committees. The Senate had already created a Select Committee to Investigate the Executive Agencies of the Government, and the House later created a Select Committee on Government Organization.

The President's Committee on Administrative Management, of which Louis Brownlow was chairman, submitted to the President, on January 8, 1937, a report on the executive branch of the Government. Its proposals called for (1) expansion of the White House staff; (2) strengthening of the budgetary and research agencies; (3) extension of the merit system to cover all non-policy-determining posts and reorganization of the civil-service system under a single administrator; (4) placing of the 100 independent agencies under 1 of 12 major executive departments (with 2 new Cabinet posts, Welfare and Public Works, added to the 10 existing departments); and (5) establishment of the Office of Auditor General to take the place of the Comptroller General and the General Accounting Office. In recommending that all temporary activities be brought within a department, the Committee stated that—

the inclusion of temporary and emergency activities within departments, where they are brought into juxtaposition with established related services and under the surveillance of the regular managerial agencies for which we have provided, will, we think, subject them to a greater pressure for discontinuance than if they are left to themselves.

The Committee suggested that the drastic reduction of the agencies, authorities, boards, etc., from over 100 to 12—

will take us back to the Constitution in that it ties in the wandering independencies and abolishes the irresponsible and headless "fourth branch" of the Government which has grown up unnoticed.

Under the Reorganization Act of 1939 (53 Stat. 561), whereby reorganization powers were again conferred upon the President, (1) a time limit (January 21, 1941) was set for the transmittal of reorganization plans to Congress; (2) a plan would take effect if within 60 days after its transmittal no concurrent resolution expressing congressional disapproval had been adopted by both Houses of Congress; (3) 21 agencies were exempt from reorganization authority, and (4) the President was not empowered to create new departments. The President was, however, authorized to appoint six administrative assistants and to prescribe their duties. Under that act, five reorganization plans were put into effect.

President Roosevelt, in submitting the reorganization report, stated:

Now that we are out of the trough of the depression, the time has come to set our house in order. The administrative management of the government needs overhauling. * * * I have examined this report carefully and thoughtfully, and am convinced that it is a great document of permanent importance.

He pointed out that if the program were accepted, the operating executive agencies of the Government would be reduced from over 100 down to a dozen and "many little bureaucracies" would be brought "under broad coordinated democratic authority."

The President did set up the Federal Security and Federal Works Agencies and he shifted many bureaus and divisions under his authority. Following termination of the authority granted by the Reorganization Act of 1939, he was given much the same power under the War Powers Act, which will expire 6 months after the end of the war.

President Truman, in his message of May 24, 1945, calling for Government reorganization, made these suggestions:

(a) The legislation should be generally similar to the Reorganization Act of 1939, and part 2 of title I of that act should be utilized intact; (b) the legislation should be of permanent duration; (c) no agency of the executive branch should be exempted from the scope of the legislation; and (d) the legislation should be sufficiently broad and flexible to permit of any form of organizational adjustment, large or small, for which necessity may arise.

Justice James F. Byrnes, writing in the August 1945, *American Magazine*, declares that a "sweeping reorganization" of the executive branch is necessary if it is to function efficiently in the postwar period. He describes the present organization as "outmoded and wasteful in manpower and money."

Mr. Byrnes points out that the President must supervise 101 departments, agencies, and commissions, each having a head man "who presumably reports directly to the President" and who is, "of course, anxious to perpetuate his job." Many of these agencies overlap; for example, a dozen compete for the control of manpower, while all phases of that problem could doubtless be handled by the Department of Labor.

So many agencies have been created outside the regular departments, says Mr. Byrnes, that a Cabinet meeting is now attended not only by department heads but by 10 other officials who are not cabinet members, and

this doubling of the number of persons attending Cabinet meetings has naturally lessened the effectiveness of the Cabinet as an advisory group to the President.

He contends that legislation should bring within the 10 regular departments all the independent agencies except those having quasi-judicial functions, such as the Interstate Commerce Commission.

Under the act of 1939, Mr. Byrnes points out, the President was enabled to carry out a limited reorganization, resulting in the saving of \$11,000,000 in 1 year, but the President became so preoccupied with the threat of war that wholesale modernizing was not attempted.

Once Congress has reenacted the Reorganization Act of 1939, he says,

it will then be up to the President to decide whether he wants to leave the business of government scattered among 101 different agencies or concentrate it in the departments established by law. If he does consolidate, he should hold the Cabinet members absolutely responsible for the efficient administration of their departments and remove them swiftly if they fail.

Mr. Byrnes explains further that a reenactment of the 1939 act would give the President power to consolidate agencies but not major departments—the latter would require specific legislation. He proposes that Congress consider promptly special legislation establishing a “Department of the Armed Service” to which would be transferred all the functions of the War and Navy Departments.

An article in the United States News, June 1, 1945, points out that—

the change-over from war to peace offers the President his best chance to break through the old barriers.

Federal employment, now at an all-time peak of 2,920,410, is expected to drop by a third or more with the war's end. During the period when Federal employment is dropping, Mr. Truman hopes, says the News, to bind most of the Federal agencies into regular departments, each headed by a Cabinet officer.

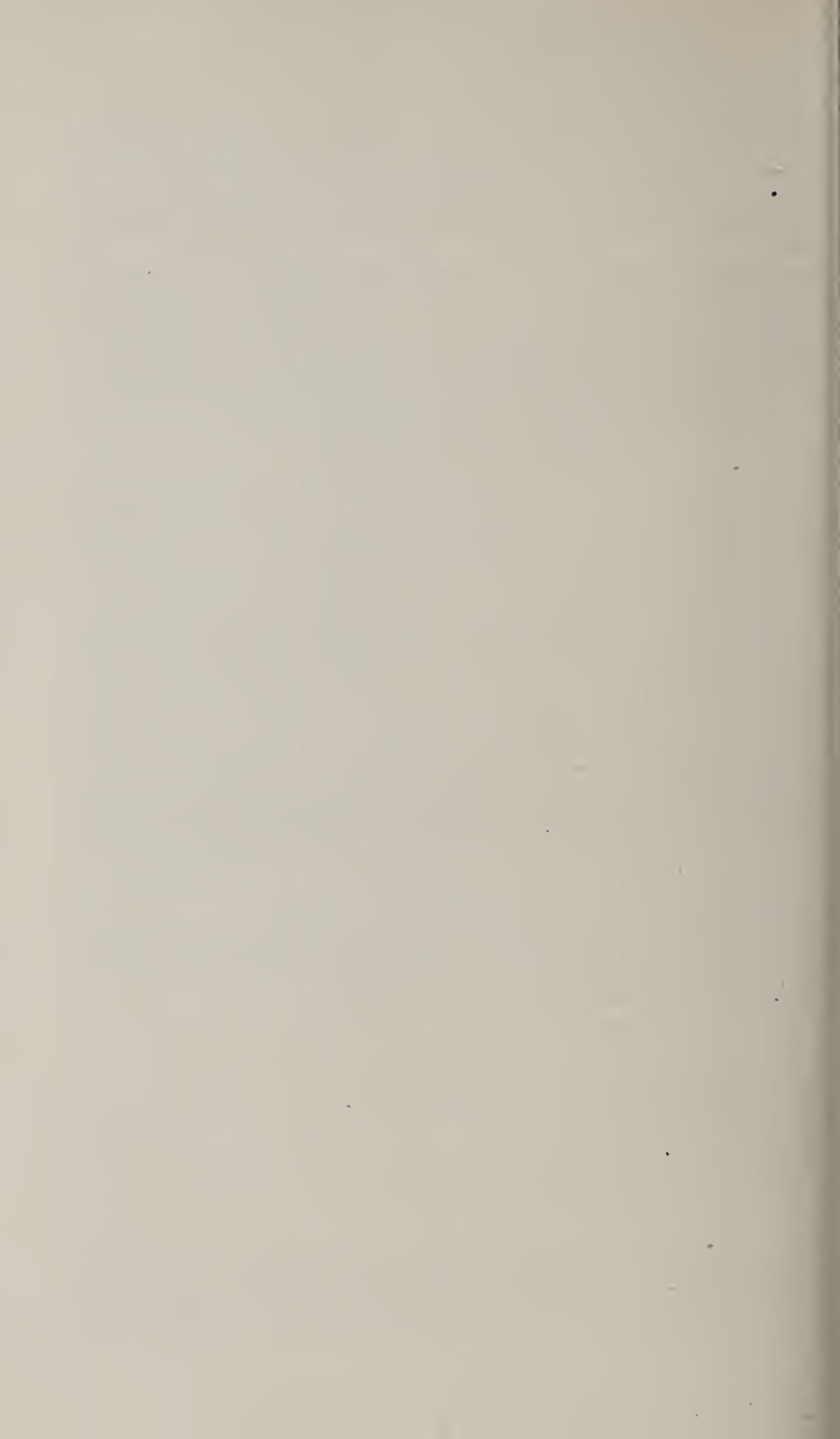
A United States News chart on the Federal Pay Roll: Its Ups and Downs gives these figures on civilian employees:

July 1, 1916-----	438, 057	Jan. 1, 1944-----	2, 811, 812
Nov. 11, 1918-----	917, 760	Jan. 1, 1945-----	2, 859, 737
Jan. 1, 1924-----	544, 671	Apr. 1, 1945-----	2, 920, 410
Jan. 1, 1934-----	607, 936	Postwar (estimated)-----	2, 000, 000
Jan. 1, 1941-----	1, 119, 641		

The question of Government corporations has been the subject of much discussion. The Brownlow report described the Government corporation as “a useful and efficient means of carrying out powers granted the Federal Government under the Constitution” and added that “its peculiar value lies in freedom of operation, flexibility, business efficiency, and opportunity for experimentation.” It suggested, however, that these agencies be placed under special supervisory agencies in appropriate departments.

John T. Flynn, on the other hand, writing in the Reader's Digest, August 1945, declares that “Government corporations should be wiped out.” He contends that Government bureaus may be brought into existence disguised as corporations and get powers, officers, and money without any direct law or appropriation of Congress. Unless Government corporations are abolished, he warns—

it will be possible in a future period of crisis for some audacious Executive to transfer almost all the functions of government to giant corporations in which the Government would be a stockholder. All the business of government would thus pass into the hands of a great holding company almost completely free from the protecting devices of our constitutional system.



APPENDIX

I. ACTS OF CONGRESS PROVIDING FOR TRANSFERS OF BUREAUS, ETC., IN DISCRETION OF THE PRESIDENT

Act of February 14, 1903 (U. S. Code 5:602). The President is "authorized, by order in writing, to transfer at any time the whole or any part of any office, bureau, division, or other branch of the public service engaged in statistical or scientific work, from the Department of State, the Department of the Treasury, the Department of War, the Department of Justice, the Post Office Department, the Department of the Navy or the Department of the Interior, to the Department of Commerce and Labor; and in every such case the duties and authority performed" by the bureaus, etc., transferred "shall be thereby transferred with" such bureau, etc.

Under this provision the President has transferred to the Department of Commerce the Patent Office (Executive Order No. 4175, March 17, 1925); also the Bureau of Mines except the section relating to oil leasing and mineral leasing (but see Executive Order No. 6611 under act of March 3, 1933, below) and the Division of Mineral Resources of the Geological Survey (Executive Order No. 4239, June 4, 1925).

Act of May 22, 1917 (U. S. Code 33:855). The President is authorized "whenever in his judgment a sufficient national emergency exists, to transfer to the service and jurisdiction of the War Department, or of the Navy Department, such vessels, equipment, stations, and personnel of the Coast and Geodetic Survey as he may deem to be the best interest of the country."

Overman Act of May 20, 1918 (40 Stat. 556-557). The President was authorized, until 6 months after the close of the war, to "make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted" for the "successful prosecution of the war," etc.

Under this act the President made the following transfers:

Aviation section separated from Signal Corps of Army (Executive Order No. 2862, May 20, 1918).

Law officers placed under jurisdiction of Attorney General (Executive Order No. 2877, May 31, 1918).

Secretary of Labor vested with power granted to President in Housing Act of May 16, 1918 (Executive Order No. 2889, June 18, 1918).

Sanitary and public-health activities placed under jurisdiction of Secretary of the Treasury (Executive Order No. 2899, July 1, 1918).

Powers of Federal Trade Commission relating to coal or coke, under act of August 10, 1917, transferred to United States Fuel Administration (Executive Order No. 2903, July 3, 1918).

The "duty of preparing and adopting specifications for the supply of petroleum and its products" to the departments, etc., of the Government transferred to United States Fuel Administration, to be exercised through a Committee on Standardization of Petroleum Specifications, composed of representatives of various departments, etc. (Executive Order No. 2929, July 31, 1918).

One hundred twenty thousand dollars appropriated for censorship of foreign mails under Post Office Department transferred to Secretary of War for censorship in Canal Zone (Executive Order No. 2968A, October 3, 1918).

Powers of War Industries Board transferred to War Trade Board and Bureau of Markets (Executive Order No. 3019A, December 31, 1918).

Chairman or Vice Chairman of War Trade Board authorized "at his discretion, to relinquish or transfer to the Department of State by definitive command all, or any integral part of the duties, powers, and functions of the War Trade Board" abroad (Executive Order No. 3059, March 3, 1919).

Chairman or Vice Chairman of War Trade Board authorized in his discretion to transfer to State Department "by degrees, all or any integral part of the personnel, duties, powers, and functions of the War Trade Board" in the United States (Executive Order No. 3086A, May 12, 1919).

Act of August 9, 1921 (42 Stat. 150, c. 57, 10). The President was authorized to transfer to Director of Veterans' Bureau, control of hospitals under jurisdiction of Public Health Service.

Act of May 20, 1926 (U. S. Code 49:175 (a)). The Postmaster General and the Secretary of Commerce by joint order may transfer airways, emergency landing fields, etc. (except airports and terminal landing fields) under jurisdiction of Postmaster General, to jurisdiction of Secretary of Commerce, and established airports and terminal landing fields to jurisdiction of municipalities concerned, under arrangements subject to approval of the President.

Act of February 10, 1927 (U. S. Code 5:119-123). The Secretaries of the Departments of Interior, Agriculture, and Commerce are each authorized to designate employee as Commissioner for Alaska to have general charge of all matters in Alaska under jurisdiction of respective departments.

The President may, by order, with concurrence of Secretaries, place any activity relating to Alaska under one of these Commissioners, except road-construction matters which may be assigned to Board of Road Commissioners for Alaska.

Act of June 15, 1929 (U. S. Code 12:1141b (e)). The President is authorized, by Executive order, to transfer to or retransfer from the jurisdiction of the Federal Farm Board the whole or any part of any office, bureau, service, division, commission or board in executive branch of Government engaged in scientific or extension work or furnishing of services with respect to marketing of agricultural commodities.

Under this act, the President made the following transfers:

Division of Cooperative Marketing in Bureau of Agricultural Economics of Department of Agriculture transferred to Federal Farm Board (Executive Order No. 5200, October 1, 1929).

Federal Farm Board's name changed to Farm Credit Administration and functions of following agencies transferred to same: Federal Farm Loan Board; Federal Farm Loan Bureau; certain functions of Treasury and Agricultural Departments relating to agricultural credit; Crop Production Loan Office and Seed Loan Office of Department of Agriculture; and Reconstruction Finance Corporation's functions relating to regional agricultural credit corporations. Certain functions of Federal Farm Board abolished (Executive Order No. 6084, March 27, 1933, under act of March 3, 1933).

Act of July 3, 1930 (U. S. Code 3811). The President is authorized, by Executive order, to consolidate and coordinate hospitals and executive and administrative bureaus, agencies, etc., administering laws concerning veterans' relief and benefits, into Veterans' Administration and to transfer offices so consolidated.

Executive order consolidated in the Veterans' Administration, the United States Veterans' Bureau, the Bureau of Pensions, and the National Home for Disabled Volunteer Soldiers (Executive Order No. 5398, July 21, 1930).

Act of June 30, 1932 (47 Stat. 413-415, ch. 314, title IV, §§ 401-408). The President was authorized, by Executive order, to transfer whole or any part of independent executive agencies to any executive department or another independent executive agency, and of executive agencies from one executive department to another, or to consolidate or redistribute functions vested in executive departments or agencies, etc.; but such Executive orders were to be transmitted to Congress and not to be effective until expiration of 60 days therefrom, unless sooner approved by Congress by concurrent resolution; within the 60 days, either branch of Congress could pass a resolution disapproving and thus invalidating any such Executive order. An exception was made in case of activities concerning public health, personnel administration, education, and Mexican Water and Boundary Commission, which President was authorized to consolidate without restrictions noted above. [Amended and superseded by act of March 3, 1933, below.]

Executive orders consolidating, transferring, and regrouping governmental agencies (Executive Orders Nos. 5959-5969, December 9, 1932,

never went into effect, because repealed by H. Res. No. 334). See below, Executive orders under act of March 3, 1933.
 Act of June 30, 1932 (47 Stat. 417, ch. 314, § 511). The President was authorized, by Executive order, to transfer functions of Radio Division of Department of Commerce to Federal Radio Commission. [Transfer was effected by Executive Order No. 5892, July 20, 1932.]

Act of March 3, 1933, as amended by act of March 20, 1933 (U. S. Code 5: 124-132) amends and supersedes act of June 30, 1932, §§ 401-408, above, and is practically the same, except that the President is also authorized to abolish the whole or any part of any executive agency, but not to abolish or transfer an executive department or all the functions thereof; Executive orders are not to be effective until expiration of 60 days unless Congress shall by law provide for an earlier date; provision that either branch of Congress may pass resolution disapproving and thus invalidating such Executive orders is omitted; and President's authority is to expire on March 20, 1935.

Under this act the President made the following transfers:

Transfer of agencies to Farm Credit Administration, under Executive Order No. 6084, March 27, 1933. See act of June 15, 1929, above.

Board of Indian Commissioners in Department of Interior abolished (Executive Order No. 6145, May 25, 1933).

Reorganization of executive agencies, by Executive Order No. 6166, June 10, 1933:

§1. Procurement Division in Treasury Department established and procurement functions of all agencies transferred to same. [Transfers delayed by Executive Order No. 6224, December 31, 1933; authority amplified by Executive Order No. 7151, August 21, 1935.]

Office of Supervising Architect of Treasury transferred to Procurement Division, except the buildings of Treasury Department and Post Office Department to be administered by those Departments.

General Supply Committee in Treasury Department abolished.

Bureau of Mines' fuel yards transferred to Procurement Division.

Federal Employment Stabilization Board abolished and records transferred to Emergency Administration of Public Works. [Effective date postponed by Executive Order No. 6221 and No. 6624; provision revoked by Executive Order 6623.]

§2. Office of National Parks, Buildings and Reservations (to be known as National Park Service) established in Interior Department and administration of public buildings, reservations, national parks, national monuments, and national cemeteries consolidated in office.

National Park Service, Department of Interior, transferred to new office.

National cemeteries and parks of War Department in continental United States transferred to new office (transfers postponed by Executive Order 6227, July 27, 1933; cemeteries and parks transferred listed in Executive Order No. 6228, July 28, 1933).

National cemeteries located in foreign countries transferred to State Department (revoked by Executive Order 6614, below) and those located in insular possessions to Bureau of Insular Affairs, War Department.

Functions of following agencies transferred to new office and agencies abolished:

Arlington Memorial Bridge Commission (transfer postponed by Executive Order No. 6227).

Public Buildings Commission (transfer postponed by Executive Order 6227).

Public Buildings and Public Parks of the National Capital.

National Memorial Commission.

Rock Creek and Potomac Parkway Commission.

Expenditures of following commissions to be administered by Interior Department:

Commission of Fine Arts.

George Rogers Clarke Sesquicentennial Commission.

Rushmore National Commission.

§3. Bureau of Prohibition, Department of Justice: functions with respect to granting permits under national prohibition law transferred to Division of Internal Revenue, Treasury Department, and other functions to be transferred to other divisions in Department of Justice.

Division of Investigation established in Department of Justice con-

solidating functions of Bureau of Investigation, and investigative functions of Bureau of Prohibition in Division of Investigation. (See also Executive Order No. 6639, below.)

§ 4. Function of disbursement of money of all agencies transferred to Treasury Department; Division of Disbursement created. [Effective date postponed by Executive Orders Nos. 6224, 6540, 6727, 6927, 7077, 7261, 7390, 7526, and 7639; amended by Executive Order No. 6728, below.]

§ 5. Functions of prosecuting and defending claims by or against United States, etc., transferred to Department of Justice.

Department of Justice to decide upon prosecution, defense, etc., of cases referred to it.

Solicitor of Treasury transferred from Department of Justice to Treasury Department for exercise of functions not transferred to Department of Justice under this section. [Transfers delayed by Executive Order No. 6222, July 27, 1933, and Executive Order No. 6244, August 8, 1933.]

§ 6. United States Court for China and District Courts of the United States for Panama Canal Zone and Virgin Islands of the United States transferred to Department of Justice. [Effective date postponed by Executive Orders No. 6243, August 5, 1933, and No. 6301, September 30, 1933; amended by Executive Order No. 6390, below; see also Executive Order No. 6166 § 4].

§ 7. Solicitors of Department of Commerce and Department of Labor transferred from Department of Justice to Departments of Commerce and of Labor.

§ 8. Bureau of Industrial Alcohol, Treasury Department, consolidated with Bureau of Internal Revenue into Division of Internal Revenue. [Effective date postponed by Executive Orders No. 6224, July 27, 1933, and No. 6540, December 28, 1933; officers, etc., transferred by Executive Order No. 6639, March 10, 1934, to Bureau of Internal Revenue in Treasury Department.]

§ 9. Assistant Secretary of Commerce for Aeronautics to be an Assistant Secretary of Commerce.

§ 10. Preparation of Official Register transferred from Bureau of Census, Commerce Department, to Civil Service Commission.

§ 11. Bureau of the Census' function of compiling statistics of cities under 100,000 population abolished for period ending June 30, 1935.

§ 12. United States Shipping Board abolished and functions transferred to Department of Commerce.

§ 13. National Screw Thread Commission abolished and facilities transferred to Department of Commerce.

§ 14. Bureaus of Immigration and of Naturalization consolidated into the Immigration and Naturalization Service of Department of Labor.

§ 15. Federal Board for Vocational Education transferred to Interior Department and to act in advisory capacity without compensation. [Status of employees extended by Executive Order No. 6227, July 27, 1933.]

§ 16. Functions of making, and modifying appropriations transferred to Director of Bureau of the Budget. [Regulations under this order in Executive Order No. 6226, July 27, 1933, and No. 6869, October 10, 1934.]

§ 17. Federal Coordinating Service abolished. [Effective date postponed by Executive Order No. 6239, August 2, 1933.]

§ 18. The following functions were "abolished in part" (by 25 percent):

Cooperative vocational education and rehabilitation.

Payments for agricultural experiment stations.

Cooperative agricultural extension work.

Endowment and maintenance of colleges for the benefit of agriculture and mechanic arts.

[Amended by Executive Order No. 6221, July 26, 1933; revoked by Executive Order No. 6586, February 6, 1934.]

National Committee on Wood Utilization abolished and records transferred to custody of Secretary of Commerce (Executive Order No. 6179B, June 16, 1933).

Upon transfer of District Court of the United States for the Panama Canal from War Department to Department of Justice (see Executive

Order 6166, § 6, above), War Department to continue to provide office, quarters, etc., to the court and personnel; marshal of Panama Canal Zone to disburse funds (Executive Order No. 6390, November 3, 1933).

Bureau of Mines transferred to Interior Department from Department of Commerce (Executive Order No. 6611, February 22, 1934).

Administration of national cemeteries in foreign countries transferred to American Battle Monuments Commission and portion of Executive Order No. 6166, § 2, revoked (Executive Order 6614, February 26, 1934). [Transfer deferred by Executive Order No. 6690, April 25, 1934.]

Federal Employment Stabilization Board abolished and Federal Employment Stabilization Office in Department of Commerce established revoked last paragraph of Executive Order No. 6166, § 1, (Executive Order No. 6623, March 1, 1934).

Bureau of Industrial Alcohol and Office of Commissioner of Industrial Alcohol abolished and functions transferred to Bureau of Internal Revenue under Secretary of the Treasury; certain functions of Attorney General also transferred to Bureau of Internal Revenue (Executive Order No. 6639, March 10, 1934).

Veterans' Administration's functions concerning civil-service retirement transferred to Civil Service Commission (Executive Order No. 6670, April 7, 1934).

United States Geographic Board abolished and functions transferred to Interior Department (Executive Order No. 6680, April 17, 1934).

Alien Property Custodian's office abolished and functions transferred to Department of Justice (Executive Order No. 6694, May 1, 1934).

Division of Territories and Island Possessions created in Department of the Interior; functions of Bureau of Insular Affairs, War Department, pertaining to Puerto Rico transferred to same (Executive Order 6726, May 29, 1934).

Provision for disbursement of money of all agencies by Division of Disbursement, Treasury Department (Executive Order No. 6166, § 4, above) revoked insofar as it was applicable to disbursing functions under jurisdiction of War Department, Navy Department (including the Marine Corps), and Panama Canal, except those pertaining to salaries and expenses in District of Columbia (Executive Order No. 6728, May 29, 1934).

Act of June 16, 1933 (U. S. Code 40:401). On termination of Federal Emergency Administration of Public Works, etc., certain functions are to be transferred to such department of the Government as the President shall designate.

Act of June 29, 1936 (U. S. Code Supp. 46:1114). The President was authorized after June 29, 1938, to transfer by Executive order to the Interstate Commerce Commission regulatory powers, duties, and functions vested in Maritime Commission by title II of Merchant Marine Act of 1936. [Repealed by act of June 23, 1938, 52 Stat. 964, § 41.]

September 1, 1937 (50 Stat. 890, ch. 896, § 4 (d)). The President is authorized to transfer to the United States Housing Authority, housing or slum-clearance projects of any department or agency of the Government.

Under this act housing and slum-clearance projects under Federal Emergency Administration of Public Works were transferred to United States Housing Authority by Executive Order No. 7732, October 27, 1937.

Act of April 3, 1939 (53 Stat. 561-565). The President was authorized, until January 21, 1941, to transmit reorganization plans to Congress, which were to become effective upon the expiration of 60 days after transmittal, unless disapproved by concurrent resolution.

The President made the following transfers (1) under Reorganization Plan No. 1, effective July 1, 1939:

Bureau of the Budget is transferred from the Treasury Department to the Executive Office of the President.

Central Statistical Board is transferred to the Bureau of the Budget.

Central Statistical Committee is abolished and its functions are transferred to the Bureau of the Budget.

Functions of the National Resources Planning Board and the Federal Employment Stabilization Office in the Department of Commerce are consolidated in the National Resources Planning Board and transferred to the Executive Office of the President.

National Resources Committee is abolished and its affairs are to be wound up by the National Resources Planning Board.

Federal Employment Stabilization Office is abolished and Secretary of Commerce is to wind up its affairs.

Federal Security Agency is established and to it are transferred the following agencies and functions: The United States Employment Service from the Department of Labor, the Office of Education from the Department of the Interior, the Public Health Service from the Department of the Treasury, the National Youth Administration from the Works Progress Administration, the Social Security Board, and the Civilian Conservation Corps.

Functions of the United States Employment Service are consolidated with unemployment compensation functions of the Social Security Board.

Federal Works Agency is established and to it are transferred the following agencies and functions: Bureau of Public Roads from the Department of Agriculture; the Public Buildings Branch of the Procurement Division from the Treasury Department; the Branch of Buildings Management of the National Park Service (except functions relating to monuments and memorials); the functions of the National Park Service in the District of Columbia in connection with the assignment of space, the selection of sites for public buildings, and the determination of priority in which construction, etc., of public buildings shall be undertaken; and the United States Housing Authority from the Department of the Interior; the Federal Emergency Administration of Public Works; and the Works Progress Administration (except the National Youth Administration). In the Federal Works Agency the Public Roads Administration, the Public Buildings Administration, the Public Works Administration, and the Work Projects Administration are established and the United States Housing Authority is to be administered by the United States Housing Administrator.

Farm Credit Administration, Federal Farm Mortgage Corporation, and the Commodity Credit Corporation are transferred to the Department of Agriculture.

Federal Loan Agency is established under a Federal Loan Administrator who is to be responsible for the coordination, etc., of the following agencies: Reconstruction Finance Corporation, Electric Home and Farm Authority, The RFC Mortgage Company, Disaster Loan Corporation, Federal National Mortgage Association, Federal Home Loan Bank Board, Home Owners' Loan Corporation, Federal Savings and Loan Insurance Corporation, Federal Housing Administration, and Export-Import Bank of Washington.

(2) Under Reorganization Plan No. II, effective July 1, 1939:

Foreign Commerce Service in the Bureau of Foreign and Domestic Commerce in the Department of Commerce and the Foreign Agricultural Service in the Department of Agriculture (except activities in the United States and compilation, etc., of information) are transferred to the Department of State and consolidated with the Foreign Service of the United States. Provision is made for certain cooperation between the Secretary of State and the Secretaries of Commerce and Agriculture.

Foreign Service Buildings Commission is transferred to the Department of State.

Bureau of Lighthouses in Department of Commerce is transferred to and consolidated with the Coast Guard in the Department of the Treasury.

Office of Director General of Railroads is abolished and functions transferred to the Secretary of the Treasury.

War Finance Corporation is abolished and functions transferred to the Department of the Treasury.

Federal Prison Industries, Inc., is transferred to the Department of Justice.

National Training School for Boys is transferred to the Department of Justice and Board of Trustees abolished.

Functions of the National Bituminous Coal Commission are transferred to the Department of the Interior and the Commission and the Office of Consumers' Counsel abolished.

Bureau of Insular Affairs of the War Department is transferred to the Department of the Interior and consolidated with the Division of Territories and Island Possessions.

Bureau of Fisheries in Department of Commerce is transferred to the Department of the Interior, and the functions of the Secretary of Commerce relating to protection of fur seals and other fur-bearing animals, to supervision of Pribilof Islands and care of natives thereof, and to United States Code 16: 901-915 are transferred to the Secretary of the Interior.

Bureau of Biological Survey in Department of Agriculture and functions of Secretary of Agriculture relating to wildlife, game, and migratory birds are transferred to the Department of the Interior and the Secretary of the Interior.

Mount Rushmore National Memorial Commission is transferred to the National Park Service in the Department of the Interior, and some of its functions are transferred to the National Park Service.

Rural Electrification Administration is transferred to the Department of Agriculture.

Inland Waterways Corporation is transferred to the Department of Commerce, and functions of the Secretary of War relating thereto are transferred to the Secretary of Commerce. Capital stock is still to be held by the Secretary of the Treasury.

Functions of the Radio Division and the States Film Service of the National Emergency Council are transferred to the Office of Education in the Federal Security Agency.

Functions of the Secretary of the Treasury relating to the American Printing House for the Blind (except function relating to perpetual trust fund) are transferred to the Federal Security Administrator.

Functions of the Codification Board are transferred to the National Archives and consolidated with functions of the Division of the Federal Register.

Functions of the National Emergency Council (except those relating to Radio and Film Services) are transferred to the Executive Office of the President and the National Emergency Council abolished.

(3) Under Reorganization Plan No. III, effective June 30, 1940:

Fiscal Service of the Treasury Department is established and the following agencies consolidated therein: Office of the Commissioner of Accounts and Deposits, Division of Bookkeeping and Warrants, Division of Disbursement, Division of Deposits, Section of Surety Bonds, Office of Commissioner of the Public Debt, Division of Loans and Currency, Office of the Register of the Treasury, Division of Public Debt Accounts and Audit, Division of Savings Bonds, Division of Paper Custody, and Office of the Treasurer of the United States. Certain functions of the Under Secretary of the Treasury and Assistant Secretaries and functions of the Department relating to accounts are transferred to the Fiscal Service.

Federal Alcohol Administration is abolished, and its functions are transferred to the Bureau of Internal Revenue in the Treasury Department.

Bureau of Fisheries and Bureau of Biological Survey in the Department of the Interior are consolidated in the Fish and Wildlife Service in the Department of the Interior.

Office of the Recorder of the General Land Office is abolished, and the functions of the Recorder are to be exercised by the General Land Office in the Department of the Interior.

Surplus Marketing Administration in the Department of Agriculture is established, and Division of Marketing and Marketing Agreements of the Agricultural Adjustment Administration and the Federal Surplus Commodities Corporation in the Department of Agriculture are consolidated therein.

Offices of the Commissioner of Immigration of the several ports and offices of District Commissioner of Immigration and Naturalization in the Department of Labor are abolished, and functions are to be administered by the Commissioner of Immigration and Naturalization under the Secretary of Labor.

Certain functions of the Civil Aeronautics Authority are transferred to the Administrator of Civil Aeronautics.

- (4) Under Reorganization Plan No. IV, effective June 30, 1940:

Functions of the Division of Territories and Island Possessions in the Department of the Interior relating to the Dominican customs receivership are transferred to the Department of State.

Functions of the Attorney General relating to approval of compromises in accordance with provisions of United States Code 27: 207 are transferred to the Secretary of the Treasury, provided that exclusive jurisdiction to compromise cases pending in the courts and cases referred to the Department of Justice for action is vested in the Attorney General.

Disbursement functions of United States marshals which were transferred to the Secretary of the Treasury under Executive Order 6166, as amended, are transferred back to the Department of Justice and to the marshals.

Functions relating to disbursement of postal revenues transferred to the Department of the Treasury by Executive Order 6166, as amended, are transferred back to the Post Office Department, etc.

Interbuilding messenger service in the District of Columbia is transferred to the Post Office Department.

Functions of the Soil Conservation Service in the Department of Agriculture with respect to conservation operations on lands under the Department of the Interior are transferred to the Department of the Interior.

Civil Aeronautics Authority, Office of the Administrator of Civil Aeronautics, and the Air Safety Board are transferred to the Department of Commerce and the functions of the Air Safety Board and Civil Aeronautics Authority consolidated in the Civil Aeronautics Board. The Administrator of Civil Aeronautics and the Civil Aeronautics Board are to constitute the new Civil Aeronautics Authority in the Department of Commerce.

Weather Bureau in the Department of Agriculture is transferred to the Department of Commerce, provided that the Department of Agriculture may continue snow surveys and conduct certain research.

Functions of the Secretaries of the Treasury and of the Interior under United States Code 40: 276c (relating to wage payments on public construction) are transferred to the Secretary of Labor.

Functions of the Secretary of the Navy with respect to furnishing vessels, etc., to State marine or nautical schools and to administering grants of funds for such schools are transferred to the United States Maritime Commission.

St. Elizabeths Hospital, Freedmen's Hospital, Howard University, and the Columbia Institution for the Deaf are transferred from the administration of the Secretary of the Interior and the Department of the Interior to the Federal Security Administrator and the Federal Security Agency.

Food and Drug Administration in the Department of Agriculture is transferred to the Federal Security Agency.

- (5) Under Reorganization Plan V, effective June 14, 1940:

Immigration and Naturalization Service of the Department of Labor is transferred to the Department of Justice.

The First War Powers Act of December 18, 1941 (55 Stat. 838, c. 593, § 1; U. S. Code Supp. 50 App.: 601). The President is authorized, until 6 months after the war, to make such redistribution of functions of executive agencies as he may deem necessary (with the exception of the General Accounting Office).

Under this act the President made the following transfers, etc., by Executive order:

Consolidation of agencies within the Department of Agriculture (Executive Order No. 9069, February 23, 1942).

Consolidation of housing agencies and functions into National Housing Agency (Executive Order 9070, February 24, 1942).

Transfer of functions of Federal Loan Agency to Department of Commerce (Executive Order No. 9071, February 24, 1942).

Reorganization of Army and transfer of functions within War Department (Executive Order No. 9082, February 28, 1942).

Redistribution of maritime functions (Executive Order No. 9083, February 28, 1942).

Navy Department and naval service reorganization (Executive Order No. 9096, March 12, 1942).

Hydrographic Office and Naval Observatory functions transfer to Chief of Naval Operations (Executive Order No. 9126, April 8, 1942).

Emergency purchases of war material abroad (Executive Order No. 9177, May 30, 1942).

Transfer of merchant marine training functions (Executive Order No. 9198, July 11, 1942).

Coordination of Federal activities affecting the fishery industry (Executive Order 9204, July 21, 1942).

Transfer of certain functions of Work Projects Administration to Bureau of Census (Executive Order No. 9232, August 20, 1942).

Transfer to Secretary of Interior functions of United States Commissioner to Philippines (Executive Order 9245, September 16, 1942).

Transfer of certain employment service and training functions to War Manpower Commission (Executive Order No. 9247, September 17, 1942).

Secretary of Navy authorized to exercise certain additional powers and functions (Executive Order No. 9262, November 5, 1942).

Delegating authority with respect to Nation's food program (Executive Order No. 9280, December 5, 1942).

Transferring certain functions from Council of National Defense to Secretary of Interior (Executive Order No. 9287, December 24, 1942).

Transferring to Commissioner of Internal Revenue certain functions relating to taxes and penalties for violation of National Prohibition Act (Executive Order No. 9302, February 9, 1943).

Transferring nutrition functions of Office of Defense Health and Welfare Services to Department of Agriculture (Executive Order No. 9310, March 6, 1943).

Defining the foreign information activities of Office of War Information (Executive Order 9312, March 9, 1943).

Transferring certain functions from the President to the Secretary of Agriculture (Executive Order No. 9315, March 15, 1943).

War Food Administration (Executive Order No. 9322, March 26, 1943).

Handling of governmental problems in congested production areas (Executive Order 9327, April 7, 1943).

Transferring certain central administrative services of the Office for Emergency Management (Executive Order 9330, April 16, 1943).

Establishing Solid Fuels Administrator for War (Executive Order No. 9332, April 19, 1943).

Abolishing the Office of Defense Health and Welfare Services and transferring its functions to the Federal Security Agency (Executive Order No. 9338, April 29, 1943).

Transfer of civil air patrol from Office of Civilian Defense to Department of War (Executive Order No. 9339, April 29, 1943).

Office of War Mobilization (Executive Order No. 9347, May 27, 1943).

Transferring functions of Public Works Administration to the Federal Works Administrator (Executive Order No. 9357, June 30, 1943).

Supplementing Executive order establishing Office of War Mobilization and providing for the unifying of foreign economic affairs (Executive Order No. 9361, July 15, 1943).

Redistribution of certain functions of the Secretary of War and the Judge Advocate General with respect to certain court-martial cases (Executive Order No. 9363, July 23, 1943).

Foreign Economic Administration (Executive Order 9380, September 25, 1943).

Foreign food procurement and development (Executive Order No. 9385, October 6, 1943).

Transfer of functions respecting necessity certificates from Secretaries of War and Navy to Chairman of War Production Board (Executive Order No. 9406, December 17, 1943).

War Refugee Board (Executive Order No. 9417, January 22, 1944).

Authorizing the War Food Administration to place orders with other agencies for materials or services to be obtained by contract or otherwise (Executive Order 9418, January 29, 1944).

Transfer of War Relocation Authority to the Department of the Interior (Executive Order No. 9423, February 16, 1944).

Surplus War Property Administration established (Executive Order No. 9425, February 19, 1944).

Retraining and Reemployment Administration (Executive Order No. 9427, February 24, 1944).

Authorizing the Reconstruction Finance Corporation to place orders with other agencies for materials or services to be obtained by contract or otherwise (Executive Order No. 9440, May 9, 1944).

Transferring the functions and responsibilities of the Rubber Director (Executive Order No. 9475, September 1, 1944).

Extension of Executive Order No. 9177 to the United States Maritime Commission and the administration of the War Shipping Administration (Executive Order No. 9495, October 30, 1944).

Transfer of Office of Surplus Property of the Procurement Division of the Department of the Treasury to the Department of Commerce (Executive Order No. 9541, April 19, 1945).

Termination of the Office of Civilian Defense (Executive Order No. 9562, June 4, 1945).

Termination of the War Food Administration and transfer of its functions to the Secretary of Agriculture (Executive Order No. 9577, June 29, 1945).

Act of January 30, 1942 (56 Stat. 29 c. 26 § 201 (b); U. S. Code Supp. 50 App: 921 (b)). The President is authorized to transfer powers and functions from and to the Office of Price Administration.

Chairman of the War Production Board was authorized to delegate to the Price Administrator powers concerning priorities or rationing (Executive Order No. 9125, April 7, 1942).

II. EXECUTIVE DEPARTMENTS, STATUTORY PROVISIONS

From the beginning the Congress established executive departments and agencies. In 1789 three executive departments, State, War, and Treasury were established; in the same year two independent offices, the Postmaster General and the Attorney General, were established. In 1794 the Mint was established as an independent agency, and in 1798 the fourth executive department, the Navy Department, was established. During the 147 years since the establishment of the Navy Department the Congress has established only six additional executive departments: Interior 1849, Justice 1870, Post Office 1872, Agriculture 1889, Commerce 1903, and Labor 1913. Four of these departments originally functioned independently, Post Office, Justice, Agriculture, and Labor.

Provisions¹ of the United States Code (citations are given to titles and sections thereof without the use of the words United States Code) pertaining to the creation of the executive departments and the definition of their duties and functions are:

1. Department of State established July 27, 1789 as the Department of Foreign Affairs and redesignated the Department of State September 15, 1789 5: 151 Powers and Duties in General: Foreign affairs 5: 156, foreign trade relations under tariff laws 5: 157, laws enacted, receipt and preservation 5: 159, constitutional amendments, publication, etc. 5: 160, information for Department of Commerce 5: 162, foreign commerce reports 5: 163, laws enacted, treaties and postal conventions, publication of 5: 165; 44: 197, territorial papers, collection and publication 5: 167-168c, naturalization of persons who have lost citizenship by taking oath to allied foreign government during World Wars 8: 723. Functions of Branches of the Department: Foreign service 19: 338-341; 22: 15-16, 71-108, 131, 141-183, 211-219, 256-258; 46: 624, 721; Supp. 22: 228. Special Functions of the Secretary of State: Statutes at large, compilation, etc. 1: 30, Senator's election certificates 2: 1b, presidential electors and electoral vote 3: 7a-11c, succession to office of President 3: 21-22, Presidential or Vice Presidential resignations 3: 23, seal of the United States 4: 5, foreign decorations 5: 115, Foreign Agricultural Service 7: 541-545, nationality certificates 8: 901-903, foreign States' funds 12: 632, China Trade Act registrar 17: 143, customs officers 19: 6, passports 22: 211a, disposal of lands administered by the Secretary 22: 277e, Foreign Service buildings 22: 291-297, national munitions control board 22: 452, foreign government agents (functions transferred to Attorney General during present war) 22: 601, Foreign Service personnel adjudged insane 24: 191a, tax exemptions by foreign States 26: 116, 3802, desitute seamen 46: 678, Canal Zone boundaries 48: 1304a, foreign aircraft, navigation in U. S. 49: 176, air routes and services, agreements concerning 49: 602, strategic and critical materials 50: 98a.

¹ Routine administrative functions, and provisions in local laws have been omitted. Functions of particular Departments which have been transferred by Executive Order, under authority of the First War Powers Act (in effect for the duration of the war and six months thereafter), are listed under the Department named in the statutes.

2. Department of War² established August 7, 1789 5:181. Powers and Duties in General: Under-Secretary of War, for duration of present war 5:181a, military aeronautics 5:182a, war council 5:184, military affairs, management 5:190, 198-200, 202-206; Supp. 5:222, charts of northwestern lakes 5:201, contracts and land acquisitions 5:216a, 218-220; 41:1, 9-10, 15-19; Supp. 5:219a, 470, military posts 10:1334, 1335, 1339, real property and vessels 10:1354, 1372, American National Red Cross accounts 36:6-7. Functions of Branches of the Department: Adjutant General's office—military records 5:192-197; 10:41-42, 1453, General Staff Corps 10:21-38, Inspector General's office 10:51, etc., Judge Advocate General's office 10:61-62, etc., Quartermaster Corps 10:71-76, etc., Medical Department 10:81-82, etc.; Supp. 10:81, etc., Finance Department 10:171-177, etc., Corps of Engineers 10:181-190; 33:540-707; 48:301; Supp. 10:181b, Ordnance Department 10:191-195, 198, etc., Signal Corps 10:211-212, etc., Chemical Warfare Corps 10:221-222, etc., Coast Artillery Corps 10:271-272, 274, etc., Air Corps 10:291, etc., National Guard Bureau 32:171-176, Reserve Corps 10:351, 381, 421, 441, 442, 445, 658, etc. Special Functions of the Secretary of War: Schools for aviation cadets, aviation students, etc. Supp. 10:296a-299e, details of Army personnel 10:536-539; Supp. 10:535, 540, 541, Military Academy 10:1041-1044; Supp. 10:1043, 1091d, 1151, service schools, post schools and military instruction in educational institutions 10:1171, 1176-1185, military posts and camps, quarters and barracks and training stations 10:1332, 1333, 1336a, 1340, 1342, 1343a-1351; 48:310; Supp. 50 App.: 1171, surplus War Department real property 10:1595-1605; Supp. 10:1594 (b), strategic and critical materials 15:713a-7; 50:98a, 98b, national military parks and battlefields 16:9a, 411-412, 421, 455-455c, reservoirs under control of Department Supp. 16:460d, 825s; 33:709; 43:390, Tennessee Valley Authority 16:831d, 831y-1, Bonneville Project 16:832, 832a, 832g, 832i, Fort Peck Project 16:833, 833a, 833f, 833h, defense information Supp. 22:412, 414, 416, 417, highways 23:21c, Hot Springs hospital 24:18, Soldiers' Home 24:41-59, care of insane of the Army 24:191, 192, 197-198, National Cemetery approach roads Supp. 24:289, Arlington Memorial Amphitheater 24:291, 292, disposal of government lots in commercial cemeteries 24:298, property damage claims Supp. 31:221, 222a, 223b, The National Guard 32:5-186; Supp. 32:194; 48:479, navigation and navigable waters 33:1-5, 180, 258, 319, 401-454, 491-523, 541-707, 716, 736, 858; Supp. 33:701a-1 to 701b-4, 701g, 701m-701n, 702a-12, 708-709, patents 35:42; Supp. 22:416, American Battle Monuments Commission 36:130, 132, service flags 36:179, 182, family allowances Supp. 37:211, Medal of Honor roll 38:392, mustering-out payments Supp. 38:691e, public property, disposition, lease, etc. 39:504; 50:62-69, 71-73, 75-76, military airways, etc. 49:175 (f), 212, Council of National Defense 50:1, arsenals 50:55, cash rewards for suggestions by employees 50:58, public buildings, arms, etc. for 50:61, contracts 40:270e; Supp. 50 App.: 768, 1152, 1154, 1171, 1191, 1192, war materials, manufactures, plants, etc. 50:78, 79-80, 83-85, 91-98d, 166, 171-179; Supp. 50:98c, 171a; 50 App.: 632, 635, 1107, 1109, soldiers and sailors civil relief Supp. 50 App.: 515, war-time voting Supp. 50:301-340, selective service Supp. 50 App.: 303-308, 354, 359, special war-time powers Supp. 50 App.: 761-776, photographing of military property Supp. 50 App.: 782.

3. Department of the Treasury established September 2, 1789 5:241. Powers and Duties in General: Collection of revenue, accounts, etc. 5:242; 31:142-147, 150-154, 162, 226, contracts, warrants, etc. 5:247, 248, duties of General Counsel 5:248a, 322-330, Chief Clerk's duties 5:249, disbursements 5:250 and note; Supp. 5:249b, accounts 5:258-260; 31:75-78, 471-495, 526-528, 542-549; Supp. 31:82c, agents, attorneys, etc., representing claimants 5:261, reports and statements required 5:262-273. Functions of Branches of the Department: U. S. Secret Service; including White House Police 3:61; Supp. 40:77a, Bureau of Accounts of the Fiscal Service 5:255; 31:471, Bureau of Customs 5:281-281c; 16:772d, 785, 909, 910; 19:1, 6, 9-26, 33-50, 54-62, 273-293, 376, 482, 494, 507-508, 528, 541, 1321, 1401-1709; 31:87, 529c-529g; 39:497-499; Supp. 19:198, Office of the Commissioner of Internal Revenue, known as the "Bureau of Internal Revenue" 7:505, 619, 623, 658, 712, 719-720, 1155 (c); 11:922; Title 26; Supp. 5:139a; Title 26; 50 App.: 1154, Bureau of the Comptroller of the Currency 12:1-14, 201, 1151-1314, 1442; 15:77vvv; Supp. 50 App.: 1108, Coast Guard 14:1-259; 16:772d, 785, 909, 910; 33:716-762; 46:738b; Supp. 33:721a, 732, Foreign Commerce Service 15:197d-197f, Treasurer of the United States 31:141, 144, 146-155, 474; Supp. 31:561-563, Bureau of the Public Debt 31:161-162,

² Exclusive of functions of the military forces (which were reorganized on March 9, 1942, for the period of the war under authority of Executive Order 9082 of February 28, 1942).

165, Bureau of Engraving and Printing 31:171, 174-177; 39:715, Bureau of the Mint 31:251-285, 316a-317, 322, 326-335, 340-388o; Supp. 31:317a-317f, 340; 50 App.:642-642d. Special Functions of the Secretary of the Treasury: Narcotics 5:282c; 18:647; Supp. 21:188b-188j, Federal Home Loan Banks 12:1426, 1434, 1442-1443; Supp. 12:1439a, Home Owners' Loan Corporation 12:1463-1465; Supp. 12:1463 (c), Federal Housing Administration 12:1703, 1710, 1712, 1713; Supp. 12:1703, National Mortgage Associations 12:1723, Federal Savings and Loan Insurance Corporation 12:1725, War housing insurance Supp. 12:1737, 1739, 1740, Federal credit unions 12:1767, Coast Guard 14:13-256; 16:772h, 785, 909, 910; 33:471, 474, 720-770; Supp. 14:263, 352; 34:217a-1, Coast Guard Academy 14:15, 15a, 15d-15i, wool products 15:68f, prohibited imports 15:75, trust indentures 15:77vvv, securities exempt from registration fee Supp. 15:78ee, Commodity Credit Corporation 15:713a-713a-4, Federal Firearms Act 15:901-909, customs duties, etc. 16:772h, 785, 909, 910; 19:3-1709; 31:87, 529c, 529f; Supp. 31:66, 198, 1309, 1451; 50 App.:794, 846, importation of piratical copies of books, etc. 17:32-33, narcotics 21:171-193, 197-199; Supp. 21:171-188u, food, drug, etc., imports 21:381, Internal Revenue Title 26 and Supp. Title 26, Federal alcohol administration 27:201-211; Supp. 27:205, liquor enforcement 27:221-228, engraving and printing 31:171-177, debts due U. S. 31:195-197, 207; Supp. 31:194, coins and coinage 31:314-372; Supp. 31:317a-317b, 340, currency 31:401-430, gold coin and bullion 31:441-442, 733-734, silver purchase and sale 31:448a, 448e, 734a-734b, check forgery insurance fund Supp. 31:561-564, public debt 31:732-733; Supp. 31:734c, securities of U. S. 31:738a-741, 745-746, 751-773a; Supp. 31:754a-754b, 757c, foreign government securities 31:801-804, credit expansion 31:821-824; Supp. 31:821-822, stabilization of exchange value of dollar 31:822a-822b, Postal Savings, board 39:751, 759-761, 769; Supp. 39:756a, vessels in territorial waters in time of emergency 50:191-194, insurrections 50:206-224, public property 40:302, 303a, 304, 304l, 304m, 309, 310, 312, contraband seizure, etc. 49:781-788, gifts for war program 50 App.:641-641d, war contracts Supp. 50 App.:1151, 1159, 1191, 1192, 1181.

4. Post-Office Department established temporarily September 22, 1789 1 Stat. 70 and permanently as an executive department June 8, 1872 5:361 ff. Powers and Duties in General: Custody and use of Department seal 5:362, duties of solicitor, director of parcel post and purchasing agent 5:364-364a, 366, Postmaster-General's duties 5:369, postal treaties or conventions, negotiation and publication 5:372, 373, foreign dead letters 5:375, orders, entries, bonds, and contracts 5:376, 377, accounts, revenues and collections 5:378-384, judgment debtors, discharge of 5:385-386, reports of Postmaster General to Congress 5:388-389. Functions of the Postal Service: Hunting tax stamps 16:718b, savings bonds Supp. 31:757c, general functions of post-offices and postmasters Title 39; Supp. Title 39; Special Functions of the Postmaster General: Joint regulations with other departments 5:134; 7:143, plant inspection, cooperation 7:166, weather signals on mail cars 15:318, importation of piratical copies of books, etc. 17:33, reciprocal agreements with other countries concerning advertising matter 19:1320, foreign political propaganda Supp. 22:618, use tax on motor vehicles and boats Supp. 26:3540, post offices and postal service Title 39; Supp. Title 39, Alaska game law Supp. 48:192, air mail 49:485-486, censored mail Supp. 50 App.:1701.

5. Department of Justice established June 22, 1870 5:291. Powers and Duties in General: Assistant Attorney-General in charge of customs matters 5:296, special assistant to Attorney General to assist in postal cases 5:298, officials for detection and prosecution of crimes Supp. 5:300, officials for investigation of official acts, records, etc. of marshals, etc. 5:301, Attorney General's opinions and advice to the President, etc. 5:303-305, legal services for Departments 5:306-308, 313, legal proceedings, conduct of 5:309-310, special attorneys or counsel 5:315, pending suits, representation of interest of U. S. in 5:316, Attorney General, miscellaneous duties 5:317-320, 333, 339, Post Office Department suits 5:331-332, naturalization court, fees Supp. 8:742, renunciation of nationality in time of war Supp. 8:801, war contract settlements Supp. 41:116, 118. Functions of Branches of the Department: Federal Bureau of Investigation 5:300, 300a, 340, Immigration and Naturalization Service 8:100-299, 451-459, 701, 727-733, 738-747; Supp. 8:151-156, 167, 216, 457, 739, 1001-1005; 50 App.:640, Board of Parole 18:716-723c, 727, probation officers 18:724-728, Bureau of Prisons 18:753-753b, 753k, 926, National Training School for Boys 5:133t, note, Federal Prison Industries 5:133t, note. Special Functions of the Attorney General: Claims by or against the U. S. 3:194, 224b, 230, 233, anti-trust suits, etc. 15:4, 9, 25, 28, 31, 56, 68h, 522, 717s; Supp. 15:28, titles to lands and condemnations, etc. 16:517,

690b, 691e, 724; 33:733; 34:520; 40:255, 257, 258e; 50:175, 176, 178; Supp. 40:258f; 50:175, foreign agents registration 18:15, 16; Supp. 22:612, 620, prisons and prisoners 18:699, 702, 706, 707, 711, 733, 733b, 744b-746, 751-752, 753e-753j, 761-925; 24:212-213; Supp. 18:746a, 753f, probation officers 18:726, 728, Federal Prisons Industries 18:744i-744n, customs court 19:6, immigration law enforcement 19:68; 49:177 (d), 181 (c); Supp. 49:181 (b), witnesses Supp. 28:604, wage and hour cases 29:204, fraud cases 31:232, postal savings board 39:751, 759-761, contract settlements Supp. 41:105, public lands Supp. 43:931a, suits in admiralty 46:743, 744, 747, 752, 786, 790, requisition of vessels Supp. 46:1242; 50 App.:1271, 1293, air commerce 49:177 (d), 181, insurrection condemnations 50:215, prize cases Supp. 50 App.:822, emergency price control Supp. 50 App.:905, 925, report of suspension of anti-trust cases Supp. 50 App.:1112.

6. Department of the Navy established April 30, 1798 5:411. Powers and Duties in General: Procurement of naval stores and materials and construction, employment, etc., of vessels of war, etc. 5:412, records and property 5:413-414, 418, rewards for useful suggestions 5:416, gifts, acceptance 5:419-419b, naval aeronautics 5:421a, bureaus generally 5:430-431; Supp. 5:429, 432a, Nautical Almanac 5:463-464, reports to Congress, etc. 5:466-469; Supp. 5:470, consular powers 34:217-217a, notarial powers 34:217a; Supp. 34:217a-1. Functions of Branches of the Department: Chief of Naval Operations 5:422-423, 427, Judge Advocate General's office 5:428, 444, 453, Bureau of Ships 5:430a, 430b, 435, 448-448b; Supp. 5:429, Bureau of Yards and Docks 5:445; Supp. 5:429, Bureau of Ordnance 5:447; Supp. 5:429, Bureau of Supplies and Accounts 5:449, 450, 454; Supp. 5:429, Bureau of Medicine and Surgery 5:451; Supp. 5:429, Bureau of Aeronautics 5:452, 456; Supp. 5:429, Bureau of Naval Personnel Supp. 5:429, 446, Bureau of Naval Personnel, Hydrographic Office Supp. 5:457, 458-460a, Naval Observatory 5:465, Office of Budget and Reports Supp. 5:471. Special Functions of the Secretary of the Navy: Coast Guard Academy Supp. 14:15d, Coast Guard 14:1, 3, 41a, 56-57, 95; 33:222, 262, 323; Supp. 14:307, 382, 50 App.:1151, strategic and critical materials 15:713a-7; 50:98a, 98b, whaling vessel seizures, etc. 16:909, 910, defense information 22:412, 414, 416; Supp. 22:412, note, 417, National Munitions Control Board 22:452 (a), highways 23:21e, naval hospitals 24:3-6, 14-16, 31, naval asylum 24:17, naval home 24:22-25, insane of, Navy, etc. 24:191, 192, Arlington Memorial Amphitheater 24:291, Pearl Harbor, Hawaii 33:475, notaries public 34:217a-1, gratuities and medals 34:351-352, 365; Supp. 34:359, details of naval personnel 34:448b, 450a, Supp. 34:441a, 448a, naval vessels, salvage facilities, etc. 34:472, 473; Supp. 46:732, 791-798, naval vessels, construction and repair 34:481-486, Supp. 34:498e-5 to 498e-13, 498i, naval vessels, disposal of 34:491-493a; Supp. 34:493b, lease of property for or by United States 34:521-523, petroleum reserves 34:524-524a; Supp. 34:524, model tank 34:526, disposal of condemned supplies, etc. 34:543-548; Supp. 34:524, 528a, 532a, 542, 554-555, contracts 34:561-583; 41:16, 19; Supp. 34:557; 40:270e; 50 App.:1151, 1151-1154, 1158-1160, 1191, 1192, claims for damages by vessels 34:599, naval aviation 34:732, 732a, aircraft construction 34:749a, R. O. T. C., Marine Corps training camps and naval reserve 34:822-831, 851-853i; Supp. 34:774, 821, 841a-841h, 853e, 855e, 857a, 857e, naval militia 34:856, Naval Academy 34:1033-1120; Supp. 34:1033a, 1036-1, 1073e-1, 1115-1115e, prize commissioners, etc. 34:1137, 1144, 1145, Supp. 34:1163, mustering-out payments Supp. 38:691e, Council of National Defense 50:1, testing of rifled cannon 50:59, obsolete, etc., ordnance, etc. 50:60, 70, 74, war materials, manufactures, plants, etc. 50:98a-d, 166, 172; Supp. 50:98e, 171a; 50 App.:632-633, 635, 1107, 1109, soldiers and sailors civil relief Supp. 50 App.:515, vessels in territorial waters in time of war Supp. 50:191a-191e, war-time voting Supp. 50:301-340, naval plantations Supp. 50 App.:777, photographing of naval property Supp. 50 App.:782, protection of vessels, harbors, etc. Supp. 50 App.:1311-1312, naval facilities on government-owned land or elsewhere Supp. 50 App.:1201.

7. Department of the Interior established March 3, 1849 5:481. Powers and Duties in General: Duties of Assistant to the Secretary 5:483, duties of the Secretary—supervision of Alaska railroad, Alaska Road Commission, bounty-lands, Bureau of Mines, Bureau of Reclamation, Division of Territories and Island Possessions, Fish and Wildlife Service, Geological Survey, Grazing, Indians, National Park Service, Petroleum Conservation, and public lands including mines 5:485-489, 493-494, 498, cash rewards for suggestions, etc. Supp. 5:500. Functions of Branches of the Department: National Park Service 16:1-410e, 422a-422b, 422d, 665; Supp. 16:161d, General Land Office 16:488, 605; 43:1-25b, 72-363, 671-1201; Supp. 43:3a, 85, 279-283, 315q, 959, Geological Survey 16:488, 43:31-60; 50:81, 98f; Supp. 43:36b, Fish and Wildlife Service 16:663-665, 741-750, 772d; Supp. 16:161d, 752-754, Office of Indian Affairs, known as

"Bureau of Indian Affairs" 16: 664, 25: 1-593; Supp. 25: 303, etc., Commissioner of Reclamation (Bureau of Reclamation) 16: 833-833d, 833f-833j; 43: 373a-498; Supp. 33: 701b; 43: 593a, 593b, 612, Bureau of Mines 30: 1-306; 50: 98f; 161-166; Supp. 30: 4f-325, 50: 121-144. Special Functions of the Secretary of the Interior: Agricultural and mechanical colleges 7: 302, 321-328, strategic and critical materials 15: 713a-7; 5098a, national parks, military parks, monuments, seashores, parkways, historic sites, etc., 16: 1-467; Supp. 16: 45a-1 to 459t, national forests-mineral lands 16: 482, 524-525; Supp. 16: 482h, water conservation and utilization 16: 590z to 590z-10; Supp. 5: 499; 16: 590y, 590z-1-3, 590z-11, timber owned by United States 16: 594, 604-615, fur-seals and other fur-bearing animals, protection of Supp. 16: 631a-631r, game, fur-bearing animals and fish 16: 661-667, 668a, wildlife restoration 16: 669-669j; Supp. 16: 669g-1, game and bird preserves 16: 671-674d, 678-681, 690-692a, migratory birds 16: 701-706, 715a-715s, 718a-718h, wildlife and fish refuge 16: 722-729, fisheries 16: 755-756, 772e-772h, sponges 16: 785, Bonneville Project 16: 832a, 832h, Fort Peck Project 16: 833a, 833g-833j, Grand Coulee Dam Project 16: 835f-835h; Supp. 16: 835-835c, 835i, black bass 16: 852e-852d, whaling 16: 905, 908, reservoir projects under control of War Department Supp. 16: 825s, certificates as to area of public lands in States 23: 3b, Indians 25: 2-593; Supp. 25: 303, etc., mines and minerals 30: 1-306; Supp. 30: 4f, etc., public lands 43: 2-1201; Supp. 43: 36b, 279-283, 315o-z, 315q, 390, 593a, 593b, 612, 959; 50 App.: 1601-1603, territories and possessions of the United States 48: 1-472a, 715a, 1405t-1405v, 1406k; Supp. 48: 46c-366a, 1405s, airports, beacon lights, etc., on public lands 49: 212-214; Supp. 49: 211, Council of National Defense 50: 1, soldiers and sailors civil relief 50 App.: 561-568; Supp. 50 App.: 569, fishery coordinator Supp. 50 App.: 601, public land sales to arms manufacturers, etc., Supp. 50 App.: 756-759.

8. Department of Agriculture established February 9, 1889, 25 Stat. 659. Powers and Duties in General: Agricultural information; cultivation, propagation, and distribution of seeds and plants 5: 511-512, 514-516; Supp. 5: 514d, 516 note, regulatory functions 5: 516a-516d, legal work 5: 518, watchmen 5: 523, details 5: 530-533; Supp. 5: 532 note, use of funds 5: 542-543b; Supp. 5: 542-1, disposition of property 5: 544-555; Supp. 5: 552a, statistics relating to turpentine and rosin 5: 556b, reports required by President or Congress 5: 557; 40: 241, cooperation with States and other agencies 5: 563; Supp. 5: 564a, building and public improvements Supp. 5: 565a, A. A. A. appropriations, reimbursements Supp. 5: 566, return of gift lands with defective titles Supp. 5: 567, reimbursement of War Food Administration Supp. 5: 569, membership in International Wheat Advisory Committee, etc. Supp. 5: 570, inspections and tests for other departments and agencies Supp. 5: 571, Opium poppy control 21: 188j, liquid fuels 30: 321, farm labor supply 50 App.: 1351-1355, financial assistance to purchasers of surplus property 50 App.: 1632. Functions of Branches of the Department: Bureaus reorganized 5: 524, Bureau of Entomology and Plant Quarantine 5: 565, Bureau of Agricultural and Industrial Chemistry 5: 568, Bureau of Animal Industry 7: 391-395; Bureau of Dairy Industry 7: 401-404, Bureau of Agricultural Economics 7: 411-411b, 415b, 420, Farm Credit Administration 7: 451-457; 12: 636-1148d, 1401-1404, 1752-1771; Rural Electrification Administration 7: 901-915, Commodity Credit Corporation 7: 1302, 1381, 1383, 1383a; 15: 712a to 713a-7; 15: 713, 50 App.: 968-969, 1646, Federal Crop Insurance Corporation 7: 1501-1518, Federal Surplus Commodities Corporation 15: 713e, Forest Service 16: 512, 526-527, 552c-580, Soil Conservation Service 16: 590a-590q; Resettlement Administration 40: 431-434. Special Functions of the Secretary of Agriculture: Commodity exchanges 7: 1-17a, cotton standards 7: 51-65; Supp. 7: 57a, grain standards 7: 71-87, naval stores 7: 91-99, insecticides 7: 121-134, insect pests 7: 141-149, plant quarantine, inspections, etc. 7: 151-167, rubber 7: 171-175, under Packers and Stockyards Act 7: 181-230, under Warehouse Act 7: 241-273, honeybees 7: 281, 283, agricultural producers' cooperatives 7: 292, land grant colleges 7: 324, 325, cooperative agricultural extension work 7: 341-348, agricultural experiment stations 7: 361-388a, 418, 419, 421-422a, rabies 7: 395, crop reports 7: 411a, certification of condition of agricultural products, etc. 7: 414, wool standards 7: 415a-415d, sale of farm or food products 7: 415e, farmers' bulletins 7: 417, cotton 7: 423-425, 471-476, testing of serums, etc. 7: 430, predatory animals, etc. 7: 426-426b, agricultural research 7: 427-427f, poultry 7: 429, farm produce, certifications, etc. 7: 491-494, perishable agricultural marketing agreements 7: 671-674, anti-hog-cholera serum and hog-cholera virus 7: 851-855, peanut statistics 7: 951-957, farm tenancy 7: 100-1029, sugar production and control 7: 1100-1183, seeds 7: 1551-1610, farm loans 12: 1150-1150c, baskets, etc.,

for fruits and vegetables 15: 251-257i, caustic poisons 15: 401-409, Textile Foundation 15: 501, 502, emergency loans to farmers 15: 602, nonbasic agricultural commodities 15: 713a-8, forests 15: 471-582, 678, soil conservation 16: 590a-590q, water conservation 16: 590y-590z-10, game and bird preserves 16: 578, 677, 682-689d, 693-694b, migratory birds 16: 715a, foot and mouth disease 19: 1306, national arboretum 20: 191-194, meat inspection, etc. 21: 71-96, importation of cattle and quarantine 21: 101-107, contagious diseases of animals or poultry 21: 111-131, viruses, serums, toxins, antitoxins, etc. 21: 151-158, flood control investigations 33: 701, patents 35: 56a, franking privilege 39: 329; 44: 226, publications 44: 241-242, 290, Council of National Defense 50: 1, price control and parity payments 50 App.: 903, 963.

9. Department of Commerce established February 14, 1903 5: 591. Powers and Duties in General: Foreign and domestic commerce, manufacturing, transportation facilities, etc. 5: 596, duties transferred from other departments, etc. 5: 599, 603, navigation, steamboat inspection, etc., 5: 600, statistical information 5: 601, 601d, 602, special investigations 5: 604, fees for services and publications Supp. 5: 606, marking capital fund Supp. 5: 607. Functions of Branches of the Department: Bureau of the Census 13: 1-219, Patent Office 15: 81-133; 35: 1-88; Supp. 35: 42-42f, 47, Bureau of Foreign and Domestic Commerce 15: 171-194, National Bureau of Standards 15: 203-242, 271-282, Weather Bureau 15: 311-321; 49: 603; Supp. 15: 322-324, Coast and Geodetic Survey 33: 851-890; 50: 81; Supp. 33: 851-871, Bureau of Marine Inspection and Navigation 46: 1-82, etc., 170-171, 221-713; Supp. 46: 5, 88a, 123, 242, Inland Waterways Corporation 49: 151-157. Special Functions of the Secretary of Commerce: China Trade Act corporations 15: 141-162, weights and measures 15: 201-242, Textile Foundation 15: 501-502, fishing industry 15: 521-522, Migratory Bird Conservation Commission 16: 715a, navigation 19: 1309 (d), 1447, 1581, 1613, 1614, 1618; 33: 241-368, 474; Supp. 19: 288, foreign traveling salesmen, licenses, etc. 22: 503, ships and shipping 46: 1-790; 47: 359; 48: 1486; Supp. 46: 88a, 111, 123, 242, ship mortgage records 46: 982-983, carriage of goods by sea 46: 1313, Inland Waterways Corporation 49: 151-157, aircraft transportation 49: 177 (d), 426; Supp. 49: 181b, Council of National Defense 50: 1, war-time investigations, etc., Supp. 50 App. 644-644a.

10. Department of Labor established March 4, 1913 5: 611. Powers and Duties in General: Welfare of wage earners, working conditions, employment 5: 611, library, records, etc. 5: 617, mediation of labor disputes and transferred functions 5: 619, 622, special investigations 5: 620. Functions of Branches of the Department: Conciliation Service, Divisions of Labor Standards and Public Contracts, etc. 5: 616, Bureau of Labor Statistics 5: 616; 29: 2-2b, 6, 9-9b; Supp. 29: 1, 3-5, 7, Women's Bureau 5: 616; 29: 11-16, Children's Bureau 5: 616; 29: 18-18c; 203, 211-212, Wage and Hour Division 5: 616; 29: 201-219; Supp. 207, 211. Special Functions of the Secretary of Labor: Prevailing wages, determination 12: 1715c; 16: 831b, apprentice labor 29: 50-50b, labor disputes, mediation etc., 29: 51-53, public contracts 40: 276c; 41: 35-45; Supp. 41: 35 (c), Council of National Defense 50: 1.

III. PROVISIONS ESTABLISHING INDEPENDENT AGENCIES

American Battle Monuments Commission: By act of Congress, March 4, 1923 (36 U. S. C. 121).

Bureau of the Budget: Act of Congress, June 10, 1921 (31 U. S. C. 11-16).

Civil Service Commission: By act of Congress, January 16, 1883 (5 U. S. C. 632-633, 635).

Commission of Fine Arts: By act of Congress, May 17, 1910 (40 U. S. C. 104, 106).

Committee for Congested Production Area: By Executive Order 9327, April 7, 1943.

Committee on Fair Employment Practices: By Executive Order 9346, May 27, 1943.

Federal Communications Commission: By Communications Act of 1934 (15 U. S. C. 21; 47 U. S. C. 35, 151-609).

Federal Deposit Insurance Corporation: Under Banking Act of 1933, June 16, 1933 (12 U. S. C. 264).

Federal Power Commission: Federal Water Power Act, June 10, 1920 (16 U. S. C. 791-823).

Federal Security Agency: President's Reorganization Plan I, April 25, 1939, in accordance with the provisions of the Reorganization Act of 1939 (5 U. S. C. 133).

- Federal Trade Commission: By Federal Trade Commission Act, September 26, 1914 (15 U. S. C. 41-51).
- Federal Works Agency: President's Reorganization Plan I, April 25, 1939, under provisions of Reorganization Act of 1939.
- Foreign Economic Administration: By Executive Order 9380, April 25, 1943.
- General Accounting Office: By Budget and Accounting Act of June 10, 1921 (31 U. S. C. 41).
- Interstate Commerce Commission: By Act to Regulate Commerce, February 4, 1887 (49 U. S. C. 1-22).
- Liaison Office for Personnel Management: By Executive Order 8248, September 8, 1939.
- National Advisory Committee for Aeronautics: By act of Congress approved March 3, 1915 (49 U. S. C. 241).
- National Archives: By act of Congress, June 19, 1934.
- National Capital Housing Authority: By act of Congress, June 12, 1934.
- National Capital Park and Planning Commission: By act of Congress, April 30, 1926 (40 U. S. C. 71).
- National Housing Agency: By Executive Order 9070, February 24, 1942, First War Powers Act, 1941.
- National Labor Relations Board: National Labor Relations Act, July 5, 1935 (29 U. S. C. 154-166).
- National Mediation Board: Created by an act to amend the Railway Labor Act, June 21, 1934 (45 U. S. C. 151-58, 160-62).
- National War Labor Board: By Executive Order 9017, January 12, 1942.
- Office of Alien Property Custodian: By Executive Order 9095, under Trading With the Enemy Act, March 11, 1942.
- Office of Censorship: By Executive Order 8985, December 19, 1941.
- Office of Civilian Defense: By Executive Order 8757, May 20, 1941.
- Office of Contract Settlement: Established by Contract Settlement Act of 1944 (Public Law 395, 78th Congress, 2nd Session), July 1, 1944.
- Office of Coordinator of Inter-American Affairs: By Executive Order 8840, July 30, 1941.
- Office of Defense Transportation: By Executive Order 8989, December 18, 1941.
- Office of Economic Stabilization: By Executive Order 9250, October 3, 1942.
- Office of Scientific Research and Development: By Executive Order 8807, June 28, 1941.
- Office of Price Administration: Emergency Price Control Act of 1942, January 30, 1942 (50 U. S. C. App.: 901-946).
- Office of Strategic Services: Military order, June 13, 1942.
- Office of War Information: By Executive Order 9182, June 13, 1942.
- Office of War Mobilization and Reconversion: Pursuant to act of Congress, October 30, 1944 (Public Law 458, 78th Congress).
- Petroleum Administration for War: By Executive Order 9276, December 2, 1942.
- Railroad Retirement Board: By Railroad Retirement Act of 1935, August 2, 1935 (42 U. S. C. 410a; 45 U. S. C. 215-28).
- Securities and Exchange Commission: By act of Congress, June 6, 1934 (15 U. S. C. 78a-78jj).
- Selective Service: By act of Congress, September 16, 1940 (U. S. C. 50 App. 124).
- Smaller War Plants Corporation: By act of Congress approved June 11, 1942 (50 U. S. C. 1101).
- Smithsonian Institution: By act of Congress, August 10, 1846 (20 U. S. C. 41, 50, 61).
- Tax Court of the United States: (26 U. S. C. 1100).
- Tennessee Valley Authority: By act of Congress, May 18, 1933 (16 U. S. C. 831-831dd).
- United States Employees' Compensation Commission: By act of Congress, September 7, 1916 (5 U. S. C. 751).
- United States Tariff Commission: By act of Congress, September 8, 1916.
- United States Maritime Commission: Merchant Marine Act, 1936, June 29, 1936 (46 U. S. C. 1111).
- Veterans' Administration: By Executive Order 5398, July 21, 1930.
- War Manpower Commission: By Executive Order 9139, April 18, 1942.
- War Production Board: By Executive Order 9024, January 16, 1942.
- War Refugee Board: By Executive Order 9417, January 22, 1944.
- War Shipping Administration: By Executive Order 9054, February 7, 1942, under First War Powers Act (U. S. C. 50 App., secs. 601).

IV. GOVERNMENT CORPORATIONS BY PRINCIPAL FEATURES

Government corporations may be divided into three general groups, as follows: (a) Corporations whose activities are supervised by governmental agencies; (b) independently operated corporations, and (c) corporations in which the Government may have a proprietary interest or a contractual relation.

There follows a list of the Government corporations which fall within the groups indicated above as (a) and (b). Also set forth below are the principal features of all Government corporations. The enumeration list is set up on the present basis of functional control. The list by principal features follows the basis of financial control as shown in table 1 and table 2.

CORPORATIONS WITH SUPERVISING AGENCY

(If State incorporated, with State of incorporation after each such corporation).

Agriculture:

Commodity Credit Corporation (Delaware).

Farm Credit Administration:

Banks for cooperatives (1 central, 12 regional).

Federal intermediate credit banks (12).

Federal land banks (12).

Production credit corporations (12).

Regional agricultural credit corporations (1).

Federal Crop Insurance Corporation (in liquidation).

Federal Farm Mortgage Corporation.

Federal Surplus Commodities Corporation (Delaware).

Commerce, Secretary of:

Inland Waterways Corporation:

Warrior River Terminal Company (Alabama).

Interior:

Virgin Island Company, The (Virgin Islands).

Justice:

Federal Prison Industries, Inc.

War:

United States Spruce Production Corporation (in liquidation), (Washington).

Coordinator of Inter-American Affairs (all Delaware):

Institute of Inter-American Affairs.

Institute of Inter-American Transportation.

Inter-American Educational Foundation, Inc.

Inter-American Navigation Corporation (in liquidation).

Prenehradio, Inc.

Federal Loan Agency:

Reconstruction Finance Corporation:

War Damage Corporation.

Federal National Mortgage Association.

RFC Mortgage Company, The (Maryland).

Foreign Economic Administration:

Cargoes, Inc. (Lend-Lease) (New York).

Export-Import Bank of Washington (District of Columbia).

Petroleum Reserves Corporation.

Rubber Development Corporation (Delaware).

United States Commercial Company.

War Production Board:

Smaller War Plants Corporation.

National Housing Agency:

Federal Public Housing Authority:

Defense Homes Corporation (Maryland).

Federal Home Loan Bank Administration:

Federal home loan banks (12).

Federal Savings and Loan Insurance Corporation.

Home Owners' Loan Corporation (in liquidation).

United States Housing Corporation (in liquidation) (New York).

INDEPENDENT CORPORATIONS

Federal Deposit Insurance Corporation.

Panama Railroad Company (New York).

Tennessee Valley Authority:

Tennessee Valley Associated Cooperatives, Inc. (Tennessee).

V. TWENTY GOVERNMENT AGENCIES ENGAGED IN LENDING FEDERAL FUNDS FOR AGRICULTURAL PURPOSES

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| 1. Central Bank for Cooperatives. | 12. Federal Intermediate Credit Banks. |
| 2. Commodity Credit Corporation. | 13. Federal Land Banks. |
| 3. Disaster Loan Corporation. | 14. Land Bank Commissioner Loans. |
| 4. District Banks for Cooperatives. | 15. National Farm Loan Associations. |
| 5. Electric Home and Farm Authority. | 16. Production Credit Associations. |
| 6. Emergency Crop and Feed Loan Section. | 17. Production Credit Corporations. |
| 7. Farm Credit Administration. | 18. Puerto Rico Reconstruction Administration. |
| 8. Farm Security Administration. | 19. Regional Agricultural Credit Corporations. |
| 9. Federal Credit Unions. | 20. Rural Electrification Administration. |
| 10. Federal Crop Insurance Corporation. | |
| 11. Federal Farm Mortgage Corporation. | |

Source: Senate Document No. 20, Seventy-eighth Congress, first session, page 14.

VI. CIVIL EMPLOYEES IN THE FEDERAL EXECUTIVE SERVICE

July 31, 1920-----	691, 116	June 30, 1937-----	841, 664
June 30, 1925-----	532, 798	June 30, 1938-----	851, 926
June 30, 1930-----	580, 494	June 30, 1939-----	920, 310
June 30, 1931-----	588, 206	June 30, 1940-----	1, 002, 820
June 30, 1932-----	583, 196	August 1941-----	1, 444, 985
June 30, 1933-----	572, 091	August 1942-----	2, 450, 759
June 30, 1934-----	673, 095	June 1943-----	3, 095, 463
June 30, 1935-----	719, 440	June 1944-----	3, 345, 939
June 30, 1936-----	824, 259	June 1945-----	3, 543, 326

Dates from July 31, 1920, through June 30, 1940, from House Document No. 118, Seventy-seventh Congress, first session, page 10.

Dates from August 1941 through June 1945 from Joint Committee on Reduction of Nonessential Federal Expenditures committee prints.

VII. SUMMARY OF PROS AND CONS ON METHODS OF REORGANIZATION

Arguments for Congress doing the job by statutory enactment are: (1) That American businessmen and others do not want to entrust the reorganization to executive hands only; (2) that the delegation of power should be within prescribed limits as we do not want too large a concentration of power in the hand of any single administrative individual; (3) that the theory that the reorganization to be made by the President is not final, because Congress through refusing to appropriate can veto the reorganization, is not sound; (4) that the legislative branch cannot find justification under the cloak of reorganization for abdication of its responsibilities; (5) that a delegation of power is a potential danger to our form of Government and should be explicitly defined and safely curbed; (6) that the mere right of veto by Congress of an executive proposal is not a sufficient safeguard; (7) that the President should not be delegated power with respect to quasi-judicial units; and (8) that to prepare a comprehensive and cogent act for the reorganization of the Government Congress would be required to hold extensive hearings and debate.

The arguments for the President doing the job are: (1) That our Government should be constantly on the alert to keep its machinery up to date and the President is in a better position to do this than the Congress; (2) that the veto of Congress preserves its rights to prevent any changes of agencies or functions that the Congress does not desire; (3) that there should be no time limit on the power as it is a continuing process; (4) that the control of appropriations by Congress is a sufficient check on the Executive; (5) that blanket authority in the President to initiate changes in the executive agencies does not prevent the Congress initiating proposals of its own; (6) that Congress hasn't the research staff readily available to investigate and determine the implications and results of the creation, abolishment, or consolidation of the numerous agencies with their complicated and over-

lapping functions; and (7) that to delegate the power to the President to submit a plan, within prescribed limits, for approval by Congress would expedite the reorganization and the desires of Congress.

VIII. THE PRESIDENT'S MESSAGE ON REORGANIZATION

To the Congress of the United States:

The Congress has repeatedly manifested interest in an orderly transition from war to peace. It has legislated extensively on the subject, with foresight and wisdom.

I wish to draw the attention of the Congress to one aspect of that transition for which adequate provision has not as yet been made. I refer to the conversion of the executive branch of the Government.

Immediately after the declaration of war the Congress, in title I of the First War Powers Act, 1941, empowered the President to make necessary adjustments in the organization of the executive branch with respect to those matters which relate to the conduct of the present war. This authority has been extremely valuable in furthering the prosecution of the war. It is difficult to conceive how the executive agencies could have been kept continuously attuned to the needs of the war without legislation of this type.

The First War Powers Act expires by its own terms 6 months after the termination of the present war. Pending that time, title I will be of very substantial further value in enabling the President to make such additional temporary improvements in the organization of the Government as are currently required for the more effective conduct of the war.

However, further legislative action is required in the near future, because the First War Powers Act is temporary, and because, as matters now stand, every step taken under title I will automatically revert, upon the termination of the title, to the preexisting status.

Such automatic reversion is not workable. I think that the Congress has recognized that fact, particularly in certain provisions of section 101 of the War Mobilization and Reconversion Act of 1944. In some instances it will be necessary to delay reversion beyond the period now provided by law, or to stay it permanently. In other instances it will be necessary to modify actions heretofore taken under title I and to continue the resulting arrangement beyond the date of expiration of the title. Automatic reversion will result in the reestablishment of some agencies that should not be reestablished. Some adjustments of a permanent character need to be made, as exemplified by the current proposal before the Congress with respect to the subsidiary corporations of the Reconstruction Finance Corporation. Some improvements heretofore made in the Government under the First War Powers Act, as exemplified by the reorganization of the Army under Executive Order No. 9082, should not be allowed to revert automatically or at an inopportune time.

I believe it is realized by everyone—in view of the very large number of matters involved and the expedition required in their disposition—that the problems I have mentioned will not be met satisfactorily unless the Congress provides for them along the general lines indicated in this message.

Quite aside from the disposition of the war organization of the Government, other adjustments need to be made currently and continuously in the Government establishment. From my experience in the Congress, and from a review of the pertinent developments for a period of 40 years preceding that experience, I know it to be a positive fact that, by and large, the Congress cannot deal effectively with numerous organizational problems on an individual item basis. The Congressional Record is replete with expressions of Members of the Congress, themselves, to this effect. Yet it is imperative that these matters be dealt with continuously if the Government structure is to be reasonably wieldy and manageable, and be responsive to proper direction by the Congress and the President on behalf of the people of this country. The question is one that goes directly to the adequacy and effectiveness of our Government as an instrument of democracy.

Suitable reshaping of those parts of the executive branch of the Government which require it from time to time is necessary and desirable from every point of view. A well organized executive branch will be more efficient than a poorly organized one. It will help materially in making manageable the government of this great Nation. A number of my predecessors have urged the Congress to take steps to make the executive branch more businesslike and efficient. I

welcome and urge the cooperation of Congress to the end that these objectives may be obtained.

Experience has demonstrated that if substantial progress is to be made in these regards, it must be done through action initiated or taken by the President. The results achieved under the Economy Act (1932), as amended, the Reorganization Act of 1939, and title I of the First War Powers Act, 1941, testify to the value of Presidential initiative in this field.

Congressional criticisms are heard, not infrequently, concerning deficiencies in the executive branch of the Government. I should be less than frank if I failed to point out that the Congress cannot consistently advance such criticisms and at the same time deny the President the means of removing the causes at the root of such criticisms.

Accordingly, I ask the Congress to enact legislation which will make it possible to do what we all know needs to be done continuously and expeditiously with respect to improving the organization of the executive branch of the Government. In order that the purposes which I have in mind may be understood, the following features are suggested: (a) The legislation should be generally similar to the Reorganization Act of 1939, and part 2 of title I of that act should be utilized intact; (b) the legislation should be of permanent duration; (c) no agency of the executive branch should be exempted from the scope of the legislation; and (d) the legislation should be sufficiently broad and flexible to permit of any form of organizational adjustment, large or small, for which necessity may arise.

It is scarcely necessary to point out that under the foregoing arrangement (a) necessary action is facilitated because initiative is placed in the hands of the President, and (b) necessary control is reserved to the Congress since it may, by simple majority vote of the two Houses, nullify any action of the President which does not meet with its approval. I think, further, that the Congress recognizes that particular arrangement as its own creation, evolved within the Congress out of vigorous efforts and debate extending over a period of 2 years and culminating in the enactment of the Reorganization Act of 1939.

Therefore, bearing in mind what the future demands of all of us, I earnestly ask the Congress to enact legislation along the foregoing lines without delay.

HARRY S. TRUMAN.

THE WHITE HOUSE, May 24, 1945.



S. 1120

[Report No. 638]

IN THE SENATE OF THE UNITED STATES

JUNE 7 (legislative day, JUNE 4), 1945

Mr. OVERTON (for Mr. McCARRAN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

OCTOBER 18, 1945

Reported by Mr. McCARRAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To provide for the reorganization of Government agencies and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Reorganization Act of
4 1945".

5 SEC. 2. (a) The President shall investigate the organ-
6 ization of all agencies of the Government and shall determine
7 what changes therein are necessary to—

8 (1) reduce expenditures to the fullest extent con-
9 sistent with the efficient operation of the Government;

10 (2) increase the efficiency of the operations of the
11 Government to the fullest extent practicable;

1 ~~(3)~~ group, coordinate, and consolidate agencies and
2 functions of the Government, as nearly as may be, accord-
3 ing to major purposes;

4 ~~(4)~~ reduce the number of agencies by consolidating
5 those having similar functions under a single head, and by
6 abolishing such agencies as may not be necessary for the
7 efficient conduct of the Government;

8 ~~(5)~~ eliminate overlapping and duplication of effort;
9 and

10 ~~(6)~~ promote better execution of the legislative
11 policy and otherwise expedite the public business.

12 ~~(b)~~ The Congress declares that the public interest
13 demands the carrying out of the purposes specified in sub-
14 section ~~(a)~~ and that such purposes may be accomplished in
15 great measure by proceeding immediately under the pro-
16 visions of this Act, and can be accomplished more speedily
17 thereby than by the enactment of specific legislation.

18 SEC. 3. No reorganization plan under section 4 shall
19 provide for, and no reorganization under this Act shall have
20 the effect of—

21 ~~(a)~~ continuing any agency beyond the period
22 authorized by law for its existence or beyond the time
23 when it would have terminated if the reorganization
24 had not been made; or

25 ~~(b)~~ continuing any function beyond the period

1 authorized by law for its exercise, or beyond the time
2 when it would have terminated if the reorganization
3 had not been made, or beyond the time when the agency
4 in which it was vested before the reorganization would
5 have terminated if the reorganization had not been
6 made; or

7 (c) authorizing any function which may not legally
8 be exercised at the time the plan is transmitted to the
9 Congress; or

10 (d) transferring to any other agency any executive
11 department or the municipal government of the District
12 of Columbia or all the functions thereof; or

13 (e) consolidating with any executive department
14 any other executive department or the municipal gov-
15 ernment of the District of Columbia or all the functions
16 thereof; or

17 (f) abolishing any executive department or the
18 municipal government of the District of Columbia.

19 SEC. 4. Whenever the President, after investigation,
20 finds that—

21 (a) the transfer of the whole or any part of any
22 agency or the functions thereof to the jurisdiction and
23 control of any other agency; or

24 (b) the consolidation or coordination of the whole
25 or any part of any agency or the functions thereof with

1 the whole or any part of any other agency or the func-
 2 tions thereof; or

3 ~~(c)~~ the consolidation or coordination of any part
 4 of any agency or the functions thereof with any other
 5 part of the same agency or the functions thereof; or

6 ~~(d)~~ the utilization by any agency of the whole or
 7 any part of any other agency or of the facilities, services,
 8 authority, or personnel thereof; or

9 ~~(e)~~ the authorization of any officer to delegate any
 10 of his functions; or

11 ~~(f)~~ any other measure relating to the organization
 12 or administration of any agency; or

13 ~~(g)~~ the abolition of the whole or any part of any
 14 agency which agency or part (by reason of reorganiza-
 15 tions under this Act or otherwise, or by reason of termi-
 16 nation of its functions in any manner) does not have,
 17 or upon the taking effect of the reorganizations specified
 18 in the reorganization plan will not have, any functions;
 19 is necessary to accomplish one or more of the purposes
 20 of section 2 (a); he shall—

21 ~~(h)~~ prepare a reorganization plan for the making
 22 of any changes as to which he has made findings here-
 23 under. Such plan shall also provide for—

24 ~~(1)~~ the transfer or other disposition of the

1 records, property, and personnel affected by such
2 reorganization;

3 ~~(2)~~ the determination of the funds to be trans-
4 ferred from the unexpended balances of appropria-
5 tions available for use in connection with any
6 agency reorganized, and the transfer of such funds;
7 but the amounts so transferred shall be expended
8 only for the purposes for which the appropriation is
9 originally made and any appropriations or portions
10 of appropriations unexpended by reason of the
11 operation of this Act shall not be used for any
12 purpose but shall be impounded and returned to
13 the Treasury;

14 ~~(3)~~ the winding up of the affairs of any
15 agency abolished.

16 Such plan may also, in such cases as he deems neces-
17 sary—

18 ~~(4)~~ designate the name of any agency affected
19 by a reorganization;

20 ~~(5)~~ make provision for such further measures
21 as he deems necessary in order to facilitate adminis-
22 tration with respect to any agency affected by a
23 reorganization, including provision for the appoint-
24 ment, compensation, and duties of the head or any
25 other officer of such agency; and

1 ~~(i)~~ transmit such plan ~~(bearing an identifying~~
2 number~~)~~ to the Congress, together with a declaration
3 that, with respect to each reorganization specified in
4 the plan, he has found that such reorganization is nec-
5 essary to accomplish one or more of the purposes of
6 section 2 ~~(a)~~. The delivery to both Houses shall
7 be on the same day and shall be made to each House
8 while it is in session.

9 SEC. 5. ~~(a)~~ The reorganization specified in the plan
10 shall take effect, in accordance with the plan, upon the
11 expiration of sixty calendar days after the date on which the
12 plan is transmitted to the Congress, but only if during such
13 sixty-day period there has not been passed by the two
14 Houses a concurrent resolution stating in substance that
15 the Congress does not favor the reorganization plan: *Pro-*
16 *vided,* That if the Congress adjourns sine die before the
17 expiration of the sixty-day period, a new sixty-day period
18 shall begin on the opening day of the next succeeding regular
19 or special session; and a similar rule shall be applicable in
20 the case of subsequent adjournments sine die before the
21 expiration of sixty days. The provisions of part 2 of title I
22 of the Reorganization Act of 1939 (53 Stat. 564) shall be
23 applicable to any concurrent resolution that may be intro-
24 duced in either House in pursuance of this section.

25 ~~(b)~~ Any provision of the plan may, under provisions

1 contained in the plan, be made operative at a time later
2 than the date on which the plan shall otherwise take effect.

3 (c) If the reorganizations specified in a reorganization
4 plan take effect, the reorganization plan shall be printed
5 in the Federal Register and shall be printed in the Statutes
6 at Large in the same volume as the public laws.

7 SEC. 6. Whenever the employment of any person is
8 terminated by a reduction of personnel as a result of a
9 reorganization effected under this Act, such person, if he
10 served without time limitation, shall thereafter be given
11 preference, when qualified, and to the extent to which his
12 civil service status entitles him, whenever an appointment
13 is made in the executive branch of the Government, but
14 such preference shall not be effective for a period longer than
15 twelve months from the date the employment of such person
16 is so terminated.

17 SEC. 7. (a) All orders, rules, regulations, permits, or
18 other privileges made, issued, or granted by or in respect
19 of any agency or function reorganized under the provisions
20 of this Act and in effect at the time of the reorganization
21 shall continue in effect to the same extent as if such reor-
22 ganization had not occurred, until modified, superseded, or
23 repealed, except as otherwise provided in a reorganization
24 plan.

25 (b) No suit, action, or other proceeding lawfully com-

1 menced by or against the head of any agency or other
2 officer of the United States, in his official capacity or in
3 relation to the discharge of his official duties, shall abate
4 by reason of any reorganization under the provisions of this
5 Act, but the court may, on motion or supplemental petition
6 filed at any time within twelve months after such reorgan-
7 ization takes effect, showing a necessity for a survival of
8 such suit, action, or other proceeding to obtain a settlement
9 of the questions involved, allow the same to be maintained
10 by or against the successor of such officer under the reorgan-
11 ization so effected.

12 (c) All laws relating to any agency or function reor-
13 ganized under the provisions of this Act, shall, insofar as
14 such laws are not inapplicable, remain in full force and effect
15 except as to any agency that may be abolished hereunder.

16 SEC. 8. When used in this Act—

17 (a) The term “agency” means any executive depart-
18 ment, commission, independent establishment, corporation
19 owned or controlled by the United States, board, bureau,
20 division, service, office, officer, authority, administration,
21 or other establishment in the executive branch of the Gov-
22 ernment, except the General Accounting Office, and means
23 also the municipal government of the District of Columbia.

24 (b) The term “reorganization” means any transfer,
25 consolidation, coordination, utilization, authorization, aboli-

tion, or other measure, referred to in paragraphs (a), (b),
 (c), (d), (e), (f), or (g) of section 4, together with,
 as the case may be, any transfer, determination, or other
 disposition referred to in paragraphs (h) (1) to (h) (5),
 inclusive, of section 4.

SEC. 9. The second paragraph of section 5 of title I
 of the First War Powers Act, 1941 (55 Stat. 838), being
 the last sentence of the said title I, is hereby repealed.

*That this Act may be cited as the "Reorganization Act of
 1945".*

TITLE I

SEC. 1. (a) *The President shall examine and from
 time to time reexamine the organization of all agencies
 of the Government and shall determine what changes therein
 are necessary to—*

(1) *facilitate orderly transition from war to peace;*

(2) *reduce expenditure to the fullest extent con-
 sistent with the efficient operation of the Government;*

(3) *increase the efficiency of the operations of the
 Government to the fullest extent practicable;*

(4) *group, coordinate, and consolidate agencies
 and functions of the Government, as nearly as may be,
 according to major purposes;*

(5) *reduce the number of agencies by consolidating*

those having similar functions under a single head, and by abolishing such agencies as may not be necessary for the efficient conduct of the Government;

(6) eliminate overlapping and duplication of effort; and

(7) provide for making currently and continuously, subject to the limitation contained in subsection (d) of section 4 hereof, such adjustments in the Government establishment as may be necessary or desirable in the interests of economy and efficiency.

(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding under the provisions of this title, and can be accomplished more speedily and efficiently thereby than by the enactment of specific legislation.

SEC. 2. No reorganization plan under section 4 shall provide for, and no reorganization under this Act shall have the effect of—

(a) continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made; or

(b) continuing any function beyond the period

1 authorized by law for its exercise, or beyond the time
2 when it would have terminated if the reorganization
3 had not been made, or beyond the time when the agency
4 in which it was vested before the reorganization would
5 have terminated if the reorganization had not been
6 made; or

7 (c) authorizing any agency to exercise any func-
8 tion which is not expressly authorized by law at the time
9 the plan is transmitted to the Congress; or

10 (d) transferring to any other agency any execu-
11 tive department or all the functions thereof; or

12 (e) consolidating with any executive department
13 any other executive department or all the functions
14 thereof; or

15 (f) abolishing any executive department or all the
16 functions thereof; or

17 (g) establishing any new executive department, or
18 changing the name of any executive department, or desig-
19 nating any agency as "Department" or the head of any
20 new agency as "Secretary"; or

21 (h) divesting any quasi-judicial agency of the
22 means, right, or power to exercise independent judg-
23 ment and discretion, to the full extent authorized by
24 law, in the performance and effectuation of its quasi-
25 judicial, investigative, or rule-making functions; or

1 (i) increasing the term of any office beyond that
2 now provided by law for such office.

3 SEC. 3. (a) Whenever the President, after investigation,
4 finds that—

5 (1) the transfer of the whole or any part of any
6 agency or the functions thereof to the jurisdiction and
7 control of any other agency; or

8 (2) the consolidation or coordination of the whole
9 or any part of any agency or the functions thereof with
10 the whole or any part of any other agency or the func-
11 tions thereof; or

12 (3) the consolidation or coordination of any part
13 of any agency or the functions thereof with any other
14 part of the same agency or the functions thereof; or

15 (4) the abolition of any function or functions; or

16 (5) the abolition of the whole or any part of any
17 agency which agency or part (by reason of reorgani-
18 zations under this Act or otherwise, or by reason of termi-
19 nation of its functions in any other manner) does not
20 have, or upon the taking effect of the reorganizations
21 specified in the reorganization plan will not have, any
22 functions,

23 is necessary or desirable to accomplish one or more of the
24 purposes of section 1 (a), he shall prepare a reorganization
25 plan for the making of any reorganizations as to which he

1 *has made findings hereunder and which he elects to include*
2 *in the plan, and shall transmit such plan (bearing an identi-*
3 *fying number) to the Congress, together with a declaration*
4 *that, with respect to each reorganization specified in the plan,*
5 *he has found that such reorganization is necessary or desirable*
6 *to accomplish one or more of the purposes of subsection 1 (a).*
7 *The delivery to both Houses shall be on the same day and*
8 *shall be made to each House while it is in session.*

9 *(b) Any reorganization plan prepared and transmitted*
10 *pursuant to subsection 3 (a) shall—*

11 *(1) make provision for the transfer or other dis-*
12 *position of the records, property, and personnel affected*
13 *by such reorganization;*

14 *(2) make provision for the transfer of such*
15 *unexpended balances of appropriations available for use*
16 *in connection with any agency reorganized as the Presi-*
17 *dent deems necessary by reason of the reorganization:*
18 *Provided, That such unexpended balances so transferred*
19 *shall be used only for the purposes for which the*
20 *appropriation is originally made and any appropriations*
21 *or portions of appropriations unexpended by reason of*
22 *the operation of this Act, shall not be used for any*
23 *purpose but shall be impounded and returned to the*
24 *Treasury;*

1 (3) make provision for winding up the affairs of
2 any agency abolished;

3 (4) designate, in such cases as the President deems
4 necessary, the name of any agency affected by a re-
5 organization;

6 (5) make provision for such further measures,
7 consistent with section 2, as the President deems neces-
8 sary in order to facilitate administration with respect to
9 any agency affected by a reorganization, including pro-
10 vision for the appointment, compensation, and duties of
11 the head or any other officer of such agency: Provided,
12 That no person shall be appointed to any office under a
13 reorganization plan for a fixed term in excess of four
14 years, and no provision shall be made under a reorganiza-
15 tion plan for the appointment of any person as the head
16 of an agency or (except for appointment under the
17 classified civil service) as a policy-maker or at a rate
18 of compensation in excess of \$5,000 per year, except
19 by and with the advice and consent of the Senate: Pro-
20 vided further, That no reorganization plan shall fix the
21 compensation of any person at more than \$10,000 per
22 year.

23 SEC. 4. (a) The reorganization specified in the plan
24 shall take effect, in accordance with the plan, upon the
25 expiration of the first period of sixty calendar days, following

1 the date on which the plan is transmitted to the Congress,
2 during which the Congress shall be in session without ad-
3 journment sine die, but only if during such sixty-day period
4 there has not been passed by either of the two Houses a reso-
5 lution stating that the body so resolving does not favor the
6 reorganization plan: Provided, That if during such sixty-
7 day period either House of the Congress shall pass a reso-
8 lution referring the reorganization plan back to the Presi-
9 dent with a request for specific changes, the running of such
10 sixty-day period shall be stayed until such time as the Presi-
11 dent shall reaffirm his approval of the plan as transmitted,
12 or shall retransmit the plan with changes; and if he shall
13 retransmit the plan with changes, it shall be deemed to be
14 a new reorganization plan.

15 (b) Any provision of the plan may, under provisions
16 contained in the plan, be made operative at a time later
17 than the date on which the plan shall otherwise take effect.

18 (c) If the reorganizations specified in a reorganization
19 plan take effect, the reorganization plan shall be printed
20 in the Federal Register and shall be printed in the Statutes
21 at Large in the same volume as the public laws.

22 (d) No reorganization specified in a reorganization plan
23 shall take effect unless the plan is transmitted to the Congress
24 before July 1, 1947.

25 SEC. 5. Whenever the employment of any person is

1 terminated by a reduction of personnel as a result of a
2 reorganization effected under this Act, such person, if he
3 served without time limitation, shall thereafter be given
4 preference, when qualified, whenever an appointment is
5 made in the executive branch of the Government, but
6 such preference shall not be effective for a period longer than
7 twelve months from the date the employment of such person
8 is so terminated.

9 SEC. 6. (a) All orders, rules, regulations, permits, or
10 other privileges made, issued, or granted by or in respect
11 of any agency or function reorganized under the provisions
12 of this Act and in effect at the time of the reorganization
13 shall continue in effect to the same extent as if such reor-
14 ganization had not occurred, until modified, superseded, or
15 repealed, except as otherwise provided in a reorganization
16 plan.

17 (b) No suit, action, or other proceeding lawfully com-
18 menced by or against the head of any agency or other
19 officer of the United States, in his official capacity or in
20 relation to the discharge of his official duties, shall abate
21 by reason of the taking effect of any reorganization plan under
22 the provisions of this Act, but the court may, on motion or
23 supplemental petition filed at any time within twelve months
24 after such reorganization plan takes effect, showing a
25 necessity for a survival of such suit, action, or other pro-

ceeding to obtain a settlement of the questions involved,
allow the same to be maintained by or against the successor of such officer under the reorganization so effected.

(c) All laws relating to any agency or function reorganized under the provisions of this Act shall, insofar as such laws are not inapplicable, remain in full force and effect.

SEC. 7. When used in this Act—

(a) The term “agency” means any executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, Service, office, Authority, administration, or other establishment in the executive branch of the Government, except the Interstate Commerce Commission, the Federal Communications Commission, the Federal Trade Commission, and Securities and Exchange Commission, the United States Tariff Commission, the Federal Power Commission, the Federal Deposit Insurance Corporation, the Federal Land Bank System, the National Mediation Board, the National Railroad Adjustment Board, the Railroad Retirement Board, and the municipal government of the District of Columbia.

(b) The term “establishment in the executive branch of the Government” does not include the General Accounting Office, which is an establishment in the legislative branch.

(c) The term “policy maker” means one who devises,

1 or who has final authority, sole or joint, in the creation of or
 2 ordering into operation, plans, estimates, programs; or ad-
 3 ministrative procedure relating to an agency's operations and
 4 in conformity with law, or pertaining to the function of the
 5 agency and the administration of law, as prescribed by
 6 Congress.

7 (d) The term "reorganization" means any transfer,
 8 consolidation, coordination, abolition, or other measure, re-
 9 ferred to in subsection (a) of section 3.

10 SEC. 8. The second paragraph of section 5 of title I
 11 of the First War Powers Act, 1941 (55 Stat. 838), being
 12 the last sentence of the said title I, is hereby repealed.

13 TITLE II

14 SEC. 201. The following sections of this title are enacted
 15 by the Congress:

16 (a) As an exercise of the rule-making power of the
 17 Senate and the House of Representatives, respectively, and
 18 as such they shall be considered as part of the rules of each
 19 House, respectively, but applicable only with respect to
 20 the procedure to be followed in such House in the case of
 21 resolutions (as defined in section 202); and such rules shall
 22 supersede other rules only to the extent that they are incon-
 23 sistent therewith; and

24 (b) With full recognition of the constitutional right of
 25 either House to change such rules (so far as relating to the

1 procedure in such House) at any time, in the same manner
 2 and to the same extent as in the case of any other rule of
 3 such House.

4 SEC. 202. As used in this title, the term "resolution"
 5 means any resolution introduced in either House of the Con-
 6 gress in pursuance of subsection (a) of section 4 of this Act,
 7 the matter after the resolving clause of which is as follows:
 8 "That the does not favor the reorganization plan
 9 numbered transmitted to Congress by the President
 10 on , 19 .", the first blank space therein
 11 being filled with the name of the resolving body, and the other
 12 blank spaces therein being appropriately filled; and does not
 13 include a resolution which specifies more than one reorgan-
 14 ization plan.

15 SEC. 203. A resolution with respect to a reorganization
 16 plan shall be referred to a committee (and all resolutions
 17 with respect to the same plan shall be referred to the same
 18 committee) by the President of the Senate or the Speaker
 19 of the House of Representatives, as the case may be.

20 SEC. 204. (a) If the committee to which has been re-
 21 ferred a resolution with respect to a reorganization plan
 22 has not reported it before the expiration of ten calendar days
 23 after its introduction (or, in the case of a resolution received
 24 from the other House, ten calendar days after its receipt),
 25 it shall then (but not before) be in order to move either to

1 discharge the committee from further consideration of such
 2 resolution, or to discharge the committee from further con-
 3 sideration of any other resolution with respect to such
 4 reorganization plan which has been referred to the committee.

5 (b) Such motion may be made only by a person favor-
 6 ing the resolution, shall be highly privileged (except that it
 7 may not be made after the committee has reported a resolu-
 8 tion with respect to the same reorganization plan); and de-
 9 bate thereon shall be limited to not to exceed one hour, to be
 10 equally divided between those favoring and those opposing
 11 the resolution. No amendment to such motion shall be in
 12 order, and it shall not be in order to move to reconsider the
 13 vote by which such motion is agreed to or disagreed to.

14 (c) If the motion to discharge is agreed to or disagreed
 15 to, such motion may not be renewed, nor may another mo-
 16 tion to discharge the committee be made with respect to any
 17 other resolution with respect to the same reorganization plan.

18 SEC. 205. (a) When the committee has reported, or
 19 has been discharged from further consideration of, a resolution
 20 with respect to a reorganization plan, it shall at any time
 21 thereafter be in order (even though a previous motion to the
 22 same effect has been disagreed to) to move to proceed to the
 23 consideration of such resolution. Such motion shall be highly
 24 privileged and shall not be debatable. No amendment to
 25 such motion shall be in order and it shall not be in order to

1 move to reconsider the vote by which such motion is agreed
2 to or disagreed to.

3 (b) Debate on the resolution shall be limited to not to
4 exceed ten hours, which shall be equally divided between
5 those favoring and those opposing the resolution. A motion
6 further to limit debate shall not be debatable. No amend-
7 ment to, or motion to recommit, the resolution shall be in
8 order, and it shall not be in order to move to reconsider
9 the vote by which the resolution is agreed to or disagreed to.

10 SEC. 206. (a) All motions to postpone, made with
11 respect to the discharge from committee, or the consideration
12 of, a resolution with respect to a reorganization plan, and
13 all motions to proceed to the consideration of other business,
14 shall be decided without debate.

15 (b) All appeals from the decisions of the Chair relating
16 to the application of the rules of the Senate or the House of
17 Representatives, as the case may be, to the procedure re-
18 lating to a resolution with respect to a reorganization plan
19 shall be decided without debate.

79TH CONGRESS
1ST SESSION

S. 1120

[Report No. 638]

A BILL

To provide for the reorganization of Government agencies, and for other purposes.

By Mr. McCARRAN

JUNE 7 (legislative day, JUNE 4), 1945

Read twice and referred to the Committee on the Judiciary

OCTOBER 18, 1945

Reported with an amendment

OFFICE OF BUDGET AND FINANCE
Legislative Reports and Service Section

79th-1st, No.184

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued October 23, 1945, for actions of Monday, October 22, 1945)

(For staff of the Department only)

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HIGHLIGHTS: Senate confirmed nomination of Spruille Braden to be an Assistant Secretary of State. Senate agreed to resolution providing for a special committee on atomic energy. Rep. Murray stated that "unnecessary bureaucrats" have been "harmful to maximum food production."

SENATE

1. RESEARCH. Agreed, with amendments, to S. Res. 179, providing for a special committee on atomic energy (pp. 10038-48).
2. NOMINATION. Confirmed the nomination of Spruille Braden to be an Assistant Secretary of State (pp. 10050-6).
3. FEDERAL AID AIRPORT BILL. Agreed to Sen. Bailey's (N.C.) motion as modified to disagree to the House amendments to this bill, S.2, and to request a conference thereon (pp. 10031-3).
4. RURAL REHABILITATION. Received from this Department a report on the progress of the liquidation of Federal rural rehabilitation projects. To Appropriations Committee. (p. 10026.)
5. TRANSPORTATION. Passed with amendment S. 914, to authorize freight forwarders to transport bonded merchandise (pp. 10033-4).
Passed with amendments S. 356, to amend Pt. II of the Interstate Commerce Act so as to limit time in which actions may be brought for the recovery of undercharges and overcharges by or against common carriers by motor vehicle (p. 1034).
Passed with amendments S. 432, to increase the period of limitation on actions against railroad carriers for recovery of overcharges from 2 to 3 years (pp. 10034-5).
6. IRRIGATION. Sen. Butler, Nebr., inserted a Kearney (Nebr.) C of C resolution endorsing the Mid-State Power Irrigation District (p. 10026).
7. SURPLUS PROPERTY; EDUCATION. Sen. Wiley, Wis., inserted letters from Wisconsin

educators urging disposal of surplus property to educational institutions (pp. 10026-7).

8. SMALL BUSINESS. Sen. Capper, Kans., inserted a Cleveland Business Council's statement of objectives in connection with post-war business programs (p. 10028).

9. ELECTRIFICATION. Sen. Stewart, Okla., commended the report of the Chattanooga Power Board and discussed their use of TVA power (pp. 10048-9).

10. UNITED NATIONS. Sen. Tydings, Md., inserted Hawaii's formal invitation to the United Nations to consider Hawaii as the United Nations Organization site (pp. 10028-30).

11. REORGANIZATION BILL. Discussed and at the request of Sen. White, Maine, passed over S. 1120, the reorganization bill (p. 10037). Differences between S. 1120, as reported by the Senate Committee (see Digest 182) and Reorganization Act of 1939:

1939 Act

Bill

Permitted veto by both Houses.

Permits veto by one House.

Declared that reduction in expenditures was necessary.

No such provision.

Provides for orders "within the revenues."

No such provision.

No such provision.

States bill is necessary to facilitate re-conversion.

No such provision.

States bill is necessary to eliminate overlapping and duplication.

Exempted 21 agencies.

Exempts 12 agencies, prohibits orders consolidating departments.

Requires certain findings by the President.

Similar; also findings as to necessity of coordination, interagency consolidations and abolition of functions.

Requirements as to provisions of reorganization plans.

Similar; also provides that designation of any agency affected is optional instead of mandatory, contains no reference to designation of title of its head, provides that a plan may provide further measures consistent with prohibitions in the bill (including provision for appointment, compensation, and duties of the head or any officer thereof).

Message shall estimate reduction of expenditures.

No such provision

No such provision.

Plan may be made operative at any time later than date on which it would otherwise take effect.

Plan must be transmitted before Jan. 21, 1941.

Plan must be transmitted before July 1, 1947.

Transfers of personnel must be made without change in classification or pay.

No such provision.

No such provision.

Repeals provision of First War Powers Act that wartime reorganization orders shall be cancelled.

Brought independent bodies under budget system; provided for administrative assistants to the President.

No such provision.

The Committee report includes a statement of the need for reorganization authority; a summary of reorganization proposals, 1798-1945; a summary of laws providing for transfers of agencies in the discretion of the President, excerpts from laws creating the executive departments, citations to laws establishing independent agencies, number of Government's civil employees each year beginning with 1920, a summary of pros and cons on methods of reorganization, and the President's 1945 reorganization message.

HOUSE

12. PERSONNEL; PARKING FACILITIES. Passed without amendment H.R. 4283, to require parking facilities for Federal employees at not less than 10% nor more than 20% of the employees in a building (p. 10061).
13. FOOD PRODUCTION; BUREAUCRACY. Rep. Murray, Wis., urged demobilization of "unnecessary bureaucrats" stating that they have been "harmful to maximum food production during the war," and included statements and correspondence on OPA "Food and Food Products" regulations on dairy products (pp. 10074-5).
14. EXECUTIVE AGENCIES. The Special Committee to Investigate Executive Agencies submitted its eighth intermediate report (H. Rept. 1142) (p. 10082).
15. FULL EMPLOYMENT; UNEMPLOYMENT COMPENSATION. Rep. Gallagher, Minn., inserted a labor unions' members' petition favoring the full-employment bill and the unemployment-compensation bill (pp. 10058-9).
16. FLOOD CONTROL. Rep. Kerr, N.C., inserted a list of flood-control projects on which appropriation hearings are to be held on Wed., Oct. 24 (pp. 10067-8).
Received War Department's report on the preliminary examination and survey of Point Remove Creek, Ark. To Flood Control Committee. (p. 10082.)
17. TAXATION; REAL PROPERTY. Passed without amendment H.J.Res. 236, to provide for continuance of tax-exempt status of certain D.C. property when used by Federal departments or agencies (pp. 10062-3).
18. RECONVERSION. Rep. Fisher, Tex., discussed the Lower Colo., River Authority strike as a threat to the reconversion program and opposed unemployment compensation because it would "encourage idleness" (pp. 10080-1).

BILLS INTRODUCED

19. DISASTER LOANS. S. 1505, by Sen. Smith, N.J., to amend the act in relation to disaster loans to States or political subdivisions thereof. To Banking and Currency Committee. (p. 10027.)
20. T.V.A. S. 1506, by Sen. McKellar, Tenn., to provide for maintaining the principal TVA office at Knoxville, Tenn. To Agriculture and Forestry Committee. (p. 10027.)
21. LABOR. H. R. 4463, by Rep. Shafer, Mich., to amend the War Labor Disputes Act by prohibiting the organization of supervisory employees for purposes of collective bargaining. To Military Affairs Committee. (p. 10082.)
22. VETERANS. H. R. 4464.

ITEMS IN APPENDIX

23. PRICE CONTROL. Sen. Wiley, Wis., inserted his statement criticizing and urging correction of the cheese price-control policy which is "discriminating" against Wis. producers (p. A4767).
Extension of remarks of Rep. Robertson, N. Dak., criticizing OPA's clothing price-control policy and including a New York Times editorial on the subject (p. A4794).
24. RESEARCH. Sen. Smith, N.J., inserted H.W. Dodds' (Princeton University President) report urging that research not become too dependent on the Government and that basic research belongs with the universities (pp. A4763-4).
25. WATERWAYS. Rep. Mansfield, Tex., inserted R. Miller's (Pres. Intracoastal Canal Assoc. of La. and Tex.) address urging an intracanal waterway of La. and Tex. as an aid to navigation, flood control, soil conservation, and agriculture (pp. A4778-80).
26. CENTRAL VALLEY PROJECT. Rep. Miller, Calif., inserted two editorials favoring this project and deploring the "conflict" in authority in its development (pp. A4784-5).
27. HEALTH. Extension of remarks of Rep. Mason, Ill., opposing the Wagner-Murray-Dingell Bill (S. 1050) and including a DeKalb Daily Chronicle editorial on the subject (pp. A4791-2).
28. FARM LOANS; INTEREST RATES. Extension of remarks of Rep. Murray, Wis., favoring a "constructive legislative approach" to the rural loan set-up and inserted letter to C.R. Hope, FAO delegate, criticizing the interest rates charged on farm loans (pp. A4781-2).
29. PARITY PRICES. Rep. Murray, Wis., inserted three letters to C.R. Hope, FAO delegate, concerning parity prices and import quotas which he wants discussed at the conference (pp. A4783-4).

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COMMITTEE HEARINGS ANNOUNCEMENTS for Oct. 23: S. Banking and Currency, Chester Bowden and Government corporations; S. Military Affairs and Commerce, science program; H. Appropriations, deficiency (ex.); H. Expenditures in the Executive Departments, full employment bill; H. Foreign Affairs, international exchange of persons, knowledge and skills; H. Labor, minimum wage bills; H. Public Buildings and Grounds, public buildings construction; H. Public Lands, O and C lands (ex.).

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For supplemental information and copies of legislative material referred to call Ext. 4654, or send to Room 112 Adm. Arrangements may be made to be kept advised, routinely, of developments on any particular bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$650, to John A. Hatcher, of Teays, W. Va., in full settlement of all claims against the United States for personal injuries, medical and hospital expenses sustained as the result of an accident involving a United States Navy vehicle, near Saint Albans, W. Va., on December 5, 1944: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

RELIEF OF THE STATE OF CALIFORNIA

The bill (H. R. 1465) for the relief of the State of California was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF PETER G. FABIAN, DECEASED

The Senate proceeded to consider the bill (H. R. 1890) for the relief of the estate of Peter G. Fabian, deceased, which had been reported from the Committee on Claims with an amendment, on page 1, in line 5, after the words "sum of", to strike out "\$2,423.75" and insert "5,423.75."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (S. 473) relating to pay and allowances of officers of the retired list of the Regular Navy and Coast Guard performing active duty in the rank of rear admiral was announced as next in order.

Mr. REVERCOMB. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

REORGANIZATION OF GOVERNMENT AGENCIES—BILL PASSED OVER

The bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes, was announced as next in order.

Mr. WHITE. Let the bill go over.

The PRESIDENT pro tempore. Request is made that the bill be passed over, and the bill will be passed over.

Mr. McCARRAN. Mr. President, I should like to be heard on the bill. I invite the attention of the Senate again to Calendar No. 651, Senate bill 1120, now on the calendar. I would not expect the bill to be passed during the call of the consent calendar, but I express the hope each Member of the Senate will give the bill special consideration and special study because it involves reorganization of the departments of Government, giving the President of the United States the right to reorganize, under certain limitations and certain conditions. The

bill will be called up in the not-far-distant future, and it is highly important that every Member of the Senate have quite an intimate knowledge of what is contained in the bill.

INDUCEMENTS TO CITIZENS TO MAKE THE NAVY A CAREER

The Senate proceeded to consider the bill (S. 1438) to provide additional inducements to citizens of the United States to make the United States Navy a career, which had been reported from the Committee on Naval Affairs with an amendment, to strike out all after the enacting clause and insert:

That in addition to persons to whom the provisions of section 203 of the Naval Reserve Act of 1938 (52 Stat. 1178) now apply the provisions of that section shall also apply to men who have been transferred to the Fleet Reserve subsequent to June 30, 1945, and to men who enlisted or enlist in the Regular Navy after July 1, 1925, and prior to a date 121 days after the date of approval of this act, and to men who, having been discharged from the Regular Navy after July 1, 1925, and prior to a date 121 days after the date of approval of this act, reenlisted or reenlist in the Regular Navy within 3 months from the date of their discharge.

(b) Section 203 of the Naval Reserve Act of 1938 (52 Stat. 1178) is hereby further amended by changing the period at the end thereof to a colon and adding thereto the following proviso: "And provided further, That a fractional year of 6 months or more shall be considered a full year for purposes of this section in computing years of naval service and base pay, plus all permanent additions thereto."

Sec. 2. Section 204 of the Naval Reserve Act of 1938 (52 Stat. 1179) is hereby amended to read as follows:

"Sec. 204. Men serving in the Regular Navy on June 25, 1938, who first enlisted in the Navy after July 1, 1925, or who reenlisted therein after July 1, 1925, having been out of the Regular Navy for more than 3 months, and men who first enlist in the Regular Navy after June 25, 1938, may upon their own request be transferred to the Fleet Reserve upon the completion of at least 20 years' naval service. After such transfer, except when on active duty, they shall be paid at the rate of 2½ per cent of the base pay they are receiving at the time of transfer multiplied by the number of years of service for which entitled to credit in the computation of their pay on the active list, plus all permanent additions thereto: *Provided*, That the pay authorized in this section shall be increased 10 percent for all men who may be credited with extraordinary heroism in the line of duty or whose average marks in conduct for 20 years or more shall not be less than 95 percent of the maximum: *Provided further*, That the determination of the Secretary of the Navy as to the definition of extraordinary heroism shall be final and conclusive for all purposes: *Provided further*, That the pay authorized in this section shall not exceed 75 percent of the active-duty pay they were receiving at the time of transfer: *Provided further*, That all enlisted men transferred to the Fleet Reserve in accordance with the provisions of sections 1 and 203 of this act, as amended, shall, upon completion of 30 years' service, be transferred to the retired list of the Regular Navy, with the pay they were then legally entitled to receive: *Provided further*, That all enlisted men transferred to the Fleet Reserve in accordance with the provisions of this section shall, upon completion of 30 years' service, be transferred to the retired list of the Regular Navy with the pay they were then legally entitled to receive: *Provided further*, That nothing contained within this section shall be construed

to prevent persons who qualify for transfer to the Fleet Reserve under the provisions of section 203 of this act, as amended, from being transferred in accordance with the provisions of this section if they so elect: *And provided further*, That a fractional year of 6 months or more shall be considered a full year for purposes of this section in computing years of naval service and base pay, plus all permanent additions thereto."

Sec. 3. Title II of the Naval Reserve Act of 1938 (52 Stat. 1178), is hereby amended by adding thereto a new section numbered 208, to read as follows:

"Sec. 208. Whenever enlisted men of the Fleet Reserve, transferred thereto after more than 16 years' service, or enlisted men transferred from the Fleet Reserve to the retired list of the Regular Navy, perform active duty, such active duty, except that which they are required to perform in time of peace under section 206 of this title, shall be included in the computation of their total service for the purpose of computing their retainer or retired pay when in an inactive-duty status, and in the computation of their retainer or retired pay all active duty so performed subsequent to the effective date of transfer to the Fleet Reserve or to the retired list shall be counted for the purpose of computing percentage rates and increases with respect to their retainer or retired pay and shall be based on the pay received by them at the time they resume an inactive-duty status, including increases in consequence of promotion, longevity, and conduct or extraordinary heroism, and if they shall have completed a total of 20 years' or more of active service their pay shall be computed in the manner prescribed in section 204 of this act as amended: *Provided*, That active duty performed during any period of national emergency declared by the President shall be considered for the purpose of this section as not being active duty in time of peace required by section 206: *Provided further*, That the provisions of this section, except as may be necessary to adapt said provisions to the Marine Corps, shall apply to enlisted men of the Fleet Marine Corps Reserve and to enlisted men transferred from such Reserve to the retired list: *Provided further*, That nothing contained in this section shall operate to reduce the retainer or retired pay and allowances to which any enlisted man would otherwise have been entitled: *And provided further*, That a fractional year of 6 months or more shall be considered a full year for purposes of this section in computing years of naval service and base pay, plus all permanent additions thereto."

Sec. 4. The provision contained in section 10 of the Pay Readjustment Act of 1942 (56 Stat. 364) which reads as follows: "*Provided further*, That during the present war and for 6 months thereafter the provisions of section 2 of the act of August 18, 1941 (Public Law 215, 77th Cong.), are hereby suspended," is hereby repealed.

Sec. 5. (a) The authority conferred upon the President by the act approved June 27, 1942 (56 Stat. 422), as amended, to appoint commissioned warrant and warrant officers of the Regular Navy to commissioned grades or ranks is hereby extended to include authority to appoint chief petty officers of the Regular Navy who have completed not less than 3 years of service as chief petty officers to commissioned grades or ranks in like manner and under the same conditions and circumstances, except as otherwise provided in this subsection, as is provided in that act, as amended, for the appointment of commissioned warrant and warrant officers to commissioned grades or ranks.

(b) The authority conferred upon the President by the act approved June 27, 1942 (56 Stat. 422), as amended, to appoint commissioned warrant and warrant officers of the Regular Navy to commissioned grades or ranks is hereby extended to include authority to appoint any enlisted man of the Regular

Navy who has not, on the date of such appointment, attained his thirty-third birthday and who has served continuously and immediately prior to such appointment in the Regular Navy for a period of not less than 4 years to the commissioned grade or rank of ensign in the line or staff corps of the Regular Navy in like manner and under the same conditions and circumstances, except as otherwise provided in this subsection, as is provided in that act, as amended, for the appointment of commissioned warrant and warrant officers to commissioned grades or ranks: *Provided*, That the authorized number of commissioned officers of the line and of each staff corps to which appointments pursuant to this subsection may be made will not be increased according to the number of appointments made, and officers appointed pursuant to this subsection shall not be carried as extra numbers in the grades or ranks in which appointed.

(c) In computing the years of service necessary for appointment to commissioned grade or rank pursuant to the act approved June 27, 1942 (56 Stat. 422), and pursuant to this section, at least 1 year of such service shall have been in the Regular Navy. The remaining portion of such service may have been active duty in a reserve component of the Navy after September 8, 1939, and before the termination of the present war as proclaimed by the President or established by act or resolution of the Congress.

SEC. 6. (a) Subsection 8 (c) of the act approved July 24, 1941 (55 Stat. 604), is hereby amended to read as follows:

"(c) An officer or enlisted man on the retired list of the Regular Navy or Marine Corps who was placed thereon by reason of physical disability shall, if he incurs physical disability while serving under a temporary appointment in a higher rank, subject to the provisions of subsection (e) hereof, be advanced on the retired list to such higher rank with retired pay at the rate of 75 percent of the active-duty pay to which he was entitled while serving in that rank."

(b) Subsection 8 (e) of the act approved July 24, 1941 (55 Stat. 604), is hereby amended to read as follows:

"(e) The benefits of this section shall apply only to an individual who incurs physical disability in line of duty in time of war or national emergency. In the case of those officers and enlisted men to whom subsection (c) hereof is applicable, retirement in the next higher rank shall be effected upon a finding by a naval retiring board that the disability was incident to the service while on active duty in the higher rank and upon a rating by such board, in accordance with regulations prescribed by the Secretary of the Navy, at not less than 30 percent permanent disability. In all other cases officers and enlisted men shall be retired in accordance with existing law providing for the retirement of officers or enlisted men."

(c) Subsection 8 (g) of the act approved July 24, 1941 (55 Stat. 605), is hereby amended ab initio to read as follows:

"(g) The provisions of this section shall not apply in any case if the proceedings of the naval retiring board be commenced subsequent to a date 6 months after the termination of the temporary appointment or release from active duty of the individual concerned whichever may occur later, except in the case of any individual whose temporary appointment shall have been terminated prior to the date of this amendment, or who, prior to such date, shall have been released from active duty."

SEC. 7. Enlisted men of any component of the Navy, Marine Corps, or Coast Guard discharged on or after February 1, 1945, for the purpose of enlisting in the Regular Establishment of any of the armed forces shall be entitled to the travel allowance as authorized in the act of June 3, 1916 (39 Stat. 166), as amended (34 U. S. C. 895).

The amendment was agreed to.

The PRESIDENT pro tempore. The question now is on the engrossment and third reading of the bill.

Mr. CORDON. Mr. President, I should like to have an explanation of the bill.

Mr. TYDINGS. Mr. President, the chairman of the Committee on Naval Affairs is not present at the moment. However, I can give the Senator from Oregon a general picture of the bill.

The philosophy of the bill is to encourage enlistments in the United States Navy. Prior to the war, men who served 16 or 20 years were given certain retirement rights as an inducement to keep them in the service. After examination, the Committee on Naval Affairs desired to have that policy reinstated, with a few additional advantages. But, basically, the same pattern as that which prevailed before the outbreak of the war was voted by the committee to be adopted for the postwar period. However, the committee decided as an inducement that the enlistment period should be shortened, so that a man could enlist for 1 year, 2 years, 3 years, or 4 years, in the expectation that men who were drafted into the Navy and who wished to go home might be discharged and might be replaced by volunteers. That is the philosophy and purpose of the bill.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill (S. 1438) was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide additional inducements to citizens of the United States to make the United States naval service a career, and for other purposes."

SPECIAL COMMITTEE ON ATOMIC ENERGY—RESOLUTION PASSED OVER

The resolution (S. Res. 179) creating a special committee to investigate problems relating to the development, use, and control of atomic energy was announced as next in order.

Mr. REED. Let the resolution go over.

The PRESIDENT pro tempore. The resolution will be passed over.

Mr. McMAHON. Mr. President, I move the immediate consideration of the resolution.

Mr. JOHNSON of Colorado. Mr. President, a point of order.

Mr. McMAHON. Mr. President, my motion is not debatable.

The PRESIDENT pro tempore. The motion of the Senator from Connecticut cannot be entertained at this time, because the Senate is proceeding with the Consent Calendar.

Mr. McMAHON. Mr. President, under the rule, as I understand it, the resolution is subject to a motion for immediate consideration.

The PRESIDENT pro tempore. No; it is not. Under rule VIII, such a motion cannot be entertained at this time.

The clerk will call the next bill on the calendar.

J. CLYDE MARQUIS

The bill (H. R. 2172) for the relief of J. Clyde Marquis, was considered, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. That completes the calendar.

TRANSFER OF BEN HILL COUNTY, GA., TO MIDDLE JUDICIAL DISTRICT OF GEORGIA

Mr. GEORGE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 2668, which was reported earlier in the day.

The PRESIDENT pro tempore. The bill will be read by its title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 2668) to transfer Ben Hill County, Ga., from the Waycross division of the southern judicial district of Georgia to the Americus division of the middle judicial district of Georgia.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. WHITE. Reserving the right to object, I understand that the bill is purely local in its application.

Mr. GEORGE. It would transfer a certain county from the southern judicial district of Georgia to the middle judicial district of Georgia. It is necessary to secure immediate consideration of the bill so that litigants may be advised.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 2668) was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

Mr. McMAHON subsequently said: Mr. President, has the calendar been completed?

The PRESIDENT pro tempore. It has been completed.

Mr. McMAHON. What, if anything, was done with reference to Calendar No. 628, House bill 7?

The PRESIDENT pro tempore. Consideration of the calendar began with Calendar No. 630, Senate bill 914.

Mr. McMAHON. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 628, House bill 7, making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. McCARRAN. I object.

The PRESIDENT pro tempore. Objection is heard.

SPECIAL COMMITTEE ON ATOMIC ENERGY

Mr. McMAHON. Mr. President, I move that the Senate proceed to the immediate consideration of Senate Resolution 179.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Connecticut.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Connecticut.

The motion was agreed to; and the Senate proceeded to consider the resolution (S. Res. 179) creating a special committee to investigate problems relating to the development, use, and control

27
26

S. 1120

IN THE SENATE OF THE UNITED STATES

OCTOBER 26 (legislative day, OCTOBER 22), 1945

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. OVERTON to the bill (S. 1120)
to provide for the reorganization of Government agencies,
and for other purposes, viz:

- 1 On page 17, line 20, after the word "Board," insert
- 2 "civil functions of the Corps of Engineers, United States
- 3 Army,".

AMENDMENT

Intended to be proposed by Mr. Overron to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

OCTOBER 26 (legislative day, OCTOBER 22), 1945
Ordered to lie on the table and to be printed

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued November 2, 1945; for actions of Thursday, November 1, 1945)

(For staff of the Department only)

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HIGHLIGHTS: House passed UNRRA appropriation measure. House committee reported without amendment the Pace bill to include farm labor in parity formula. Senate began debate on reorganization bill and agreed to conference report on the tax bill. Senate conferees appointed on bill repealing land-grant freight rates and establishing a veterans farm-purchase program.

HOUSE

1. UNRRA APPROPRIATION BILL. Passed, 339-17, with amendments H.J.Res. 266, providing for additional UNRRA appropriations (pp. 10435-62). Agreed, 188-168, to the Dirksen-Brown amendment to require that any nation benefiting from UNRRA funds must provide U.S. correspondents free access to news about UNRRA (pp. 10440-57, 10461).
On a point of order by Rep. Cannon, Mo., Rep. Rankin's (Miss.) substitute amendment to provide that the Red Cross shall administer the foreign-relief program, was overruled (pp. 10439-40).
Rejected, 61-114, Rep. Pace's (Ga.) amendment to limit to \$10,000,000 the amount available for procurement of domestic raw wool from U.S. stockpiles and to \$20,000,000 the amount available for procurement of domestic raw cotton owned by CCC (pp. 10458-9).
Rep. Smith, Wis., urged investigation of UNRRA program (p. 10466).
2. PARITY; FARM LABOR. Agriculture Committee reported without amendment H.R. 754, to amend the AAAct so as to include the cost of all farm labor in determining the parity price of agricultural commodities (H.Rept. 1185)(p. 10476).
3. FEDERAL-AID AIRPORT BILL. Conferees were appointed on S.2, the Federal-aid airport bill (p. 10463). Senate conferees appointed Oct. 26.
4. ADMINISTRATIVE EXPENSES. Received from the Budget Bureau proposed legislation to authorize certain administrative expenses in the Government service. To Expenditures in the Executive Departments Committee. (p. 10476.)
5. PRICES; WAGES; FARM INCOME. Rep. DeLacy, Wash., commended the President's speech

on wages and prices, discussed the wage situation, and criticized the "North-west lumber barons" (pp. 10467-9).

6. FOREIGN RELIEF. Rep. Biemiller, Wis., urged foreign relief for Greece (pp. 10472-3).
7. ADMINISTRATION PERSONNEL. The Committee report on H.J. Res. 266 (see Digest 190), making additional appropriations for UNRRA, includes the following statement:
"The committee has checked very closely on the expenditures for personal services in the headquarters offices which are located in Washington. Of a total of 1,136 persons currently employed in Washington approximately 300 receive salaries in excess of \$5,000 per annum. The total number and the number in higher-salaried grades appears to be excessive and the committee believes economies could and should be effected through reduction of this staff."
8. ADJOURNED until Mon., Nov. 5 (p. 10476).

SENATE

9. GOVERNMENT REORGANIZATION. Began debate on S. 1120, the reorganization bill (pp. 10422-4, 10426-33). Sen. Murdock, Utah, made an explanatory statement of the bill's provisions and discussed with others the question of its constitutionality relative to the delegation of powers.
10. TRANSPORTATION; LAND-GRANT FREIGHT-RATES. Conferees were appointed for a further conference on H.R. 694, to discontinue land-grant freight-rates and to establish a veterans' farm purchase program (p. 10410). House conferees appointed Oct. 29.
11. TAX BILL. Agreed to conference report on H.R. 4309, the new tax bill (pp. 10416-22). This bill will now be sent to the President.
12. HOSPITAL CONSTRUCTION BILL. The Education and Labor Committee reported with amendment during recess (Oct. 30) S. 191, to authorize grants to the States for surveying their hospitals and public health centers and for planning construction of additional facilities and to assist in such construction (S. Rept. 674) (p. 10407).
13. EMPLOYEE DETAILS. Received the October 1945 report relating to persons employed by committees who are not full-time employees of the Senate or any committee thereof (including 2 Department employees with the Wartime Health and Education Committee) (pp. 10407-8).
14. NOMINATION. Received the nomination of Wm. McChesney Martin, Jr., to be a member of the Export-Import Bank Board of Directors (p. 10433).
15. STRATEGIC MATERIALS; MINERALS. Sen. Murdock, Utah, inserted Sen. McCarran's corrective statement relative to accumulations of certain minerals (p. 10433).
16. CONTRACT TERMINATIONS. Received the fifth quarterly progress report of the Office of Contract Settlement on "War Contract Terminations and Settlements." To Military Affairs Committee. (p. 10405.)

In the administration of the law. This objection did not relate to the principle involved, but it was a fact in the consideration of the subject and contributed to the unwillingness of the House conferees to support the Vandenberg amendment. Of course, there were other objections.

Mr. WHERRY. I thank the Senator for his contribution. That was also presented on the floor of the Senate last July when the so-called Wherry amendment was considered. Candidly, I realized that we had many difficulties to overcome in order to have it worked out.

As I have said, I am taking at its face the statement of the Senate conferees that they have done everything they could. We have already had the arguments on the Senate floor, and I shall not take more time, but I feel strongly, as I have said, about the relief which might and should have been extended to small business.

If they are to be denied the relief—and they are, if we adopt this report—then there is one more thing I would suggest to the Senator from Georgia, namely, that he proceed with the joint hearings to be held on section 722, because in my section of the country, where the period following the drought was fixed as the base, there has been an inequitable tax exemption. I wish to point out to the distinguished chairman of the Committee on Finance that more than 30,000 appeals which have been filed have not been passed on in Washington. Our constituents are still anxiously waiting to see what is to happen by way of a decision on those cases. In my State by taking the years 1936 to 1939, following the drought, the Government has established a period that is not equitable in arriving at excess profits, and I sincerely trust that the distinguished chairman of the Committee on Finance will hold hearings and, if it can be done, afford the relief our people must have. Let us go back and establish a fair base period for the drought States so they may be given the relief to which I think they are entitled.

Mr. GEORGE. Mr. President, I can assure the Senator that that question will be looked into. The Senator is quite right in saying that section 722, the general relief provision against the hardships of the excess-profits tax, has not been administered. Whose fault it is is precisely what the committee wishes to find out. It wishes to know why that section cannot be administered. Although the excess-profits tax is repealed for the future, that is beginning with the next year, the point raised by the Senator is of extreme importance to small corporations and other corporations whatever size they may be, suffering severe hardships because they still have unclosed certainly their taxes for 1945, perhaps for 1944, many of them for 1943. If section 722 can be administered as the Finance Committee intended it to be administered, and hoped it would be administered when it was placed in the law, very great relief would come to the excess-profits taxpayers, the taxpayers, of course, who would have been benefited by the Vandenberg amendment.

Mr. WHERRY. I thank the Senator from Georgia for his statement, because I know that the section of the country we call the drought States will appreciate any relief which can be obtained under a proper and sympathetic interpretation of section 722. It is significant to note that there are 30,000 appeals under that section pending in Washington.

I should like to say further that I have before me a bulletin issued in Washington which said that the district offices would permit the establishment of a satisfactory base period, and advised claimants that they could obtain relief if they would submit their appeals to Washington. After they appealed to Washington last year another bulletin was issued countermanding or contradicting the former bulletin.

So I say once again that if we are not to be given relief from the excess-profits tax retroactively for 1945, I hope that the committee will take action which will permit the claimants from the drought-stricken States to use a base period which is equitable in determining their excess-profits tax for the years following the drought, and that the law will be administered sympathetically.

Mr. FULBRIGHT. Mr. President, I do not want to detain the Senate long. I merely wish to say, particularly because I could not be present during the debate on the bill when it was before the Senate, that I highly disapprove of the elimination of the Vandenberg amendment, and furthermore, because of reasons which I need not now go into, I also think this bill is premature. For those reasons, and because of the removal of all excess-profits taxes, I disapprove of the conference report.

Mr. TAFT. Mr. President, the question of the Senator from Arkansas as to what we had done with small corporations perhaps was not answered. We have reduced the rates on corporations with incomes of less than \$5,000 a year to 21 percent from 25 percent; on corporations with incomes from \$5,000 to \$20,000, 23 percent from 27 percent; on corporations with incomes over \$20,000 and under \$25,000, from 29 percent to 25 percent. So that the reduction for those corporations is twice what it is for any larger corporation, on the basis of the percentage of earnings. The larger corporations have also been given some benefit, but we have given the small corporations a greater benefit, and I think that future benefit will be of great assistance to them, and will be something upon which they can rely.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. JOHNSON of Colorado. Is it not true also that the reductions just referred to apply uniformly, while the excess-profits tax reductions do not apply uniformly? And is it not true that many small businesses had no excess profits?

Mr. TAFT. I would think certainly not more than 10 percent of the small corporations had any excess profits.

Mr. CONNALLY. Mr. President, it is perfectly obvious, of course, that the conference report will be adopted. However, I want to express very briefly my deep

regret that the conferees on behalf of the Senate did not agree with the House portion of the bill relating to excess profits for 1946. In view of the colossal debt which our country owes, and with the favorable prospect for business in 1946, particularly in the case of those corporations which have heretofore paid excess-profits taxes, I think it is a blunder for the Congress to repeal all excess-profits taxes as of January 1, 1946. I see no reason why we should remit, as it were, a very substantial tax from these corporations when it will be no great burden to them, for the reason that they are already allowed what was regarded as a normal prewar income before any excess-profits tax applied.

I wish to express my hearty disagreement with that portion of the bill. With many other portions of the bill I agree.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. FULBRIGHT. I agree entirely with what the Senator from Texas has just said. Does he not think it is fair to say that the business in this year and in the coming year should still be considered war business? The accumulation of orders is certainly a part of the war. It is not really peacetime business. The idea of what a peacetime tax should be is not particularly appropriate to this year and next, is it?

Mr. CONNALLY. I may say to the Senator from Arkansas that by reason of governmental control and the prohibition of manufacture of many articles which will now be released, the profits and benefits to the public and to the manufacturers in those lines are most certainly directly attributable to the state of war.

I hold in my hand an article—I do not vouch for it because I do not know whether it is true—by an Associated Press staff writer entitled "More Plant Profits Seen Even With Pay Hikes." This is a digest of views of a number of Government agencies, and they predict greater corporate profits for 1946 than for any war year. I say I do not vouch for that statement; I do not know about it; but certainly there is nothing, as I see it, upon the horizon which would tend to discourage the belief that in 1946 the manufacturing concerns of the country are going to enjoy a profitable and prosperous year, and, whatever we may think, industry and the people who make money are the ones who are going to have to pay the war debt. We cannot get the money out of those who do not have incomes and who do not have profits.

Mr. FULBRIGHT. Mr. President, will the Senator again yield?

Mr. CONNALLY. I yield.

Mr. FULBRIGHT. Is it not true that even in spite of the high excess-profits tax business as a whole during 1944 had a greater net return after taxes than in any other year in the history of this country? In 1944 it was about \$10,000,000,000 as against about \$8,000,000,000, was it not?

Mr. CONNALLY. I accept the statement of the Senator, and thank him for it. We certainly could have maintained the part of the excess-profits tax

for 1946, which the House did, by adopting the 60-percent rate, which, in effect, would have only been a 50-percent rate.

I may have an exaggerated view of this matter. I favor a reasonable excess-profits tax even in peacetime, because it is merely the application to corporate incomes of the principle of the graduated income tax.

The Senator from Arkansas, as president of Columbia University or some other great enterprise, might receive three times as much salary as did the Senator from Texas, but he would also pay a higher rate on that income. If a corporation is very prosperous and has a high rate of income based upon invested capital, why should it not pay a higher rate of tax than a corporation which is not earning as high a rate of income on its invested capital?

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. KILGORE. I agree with the Senator's contention. I ask the Senator if he does not feel that, instead of repealing the excess-profits tax, it might have been better to improve the base, if there is something wrong with the administration of the excess-profits tax? It would be better to improve the base than to repeal the excess-profits tax, because in my opinion the question of excess profits involves also the question of inflation.

Mr. CONNALLY. I will say to the Senator that this bill is regarded more or less as a temporary measure. There was a general disposition not to consider any new or involved aspects of taxation, with a view to waiting to take up those matters in January. However, the total repeal of the excess-profits tax by this bill will discourage any reinstatement of the excess-profits tax when we meet in January. That is one reason why I wished to express my opinion at this time.

Mr. President, without an any way vouching for the figures, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks the newspaper article to which I have referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MORE PLANT PROFITS SEEN EVEN WITH PAY HIKES

(By Sterling Green)

Government economists foresee higher factory profits in 1946 than in any war year, even if wage rates are increased to keep average hourly earnings at last April's wartime level.

The figures, which indicate 1946 profits of manufacturing corporations at \$6,300,000,000 after payment of taxes, were submitted yesterday to the Reconversion Advisory Board to assist its study of a national war-price policy.

They were prepared by economists of John W. Snyder's Office of War Mobilization and Reconversion, at request of the advisory group headed by O. Max Gardner, former North Carolina Governor.

Members of the advisory board conferred with President Truman, after debating the wage-price question in a special session in the White House.

NO POSITIONS TAKEN

OWMR official later said "no decisions were reached and no position taken" by the

advisory board, which is composed of public representatives and spokesmen for labor, management, and agriculture.

The wage and price statistics offered for consideration were not officially made public, but it was learned that they indicate—

That the take-home pay of the average factory worker with one dependent in 1946 will have 10-percent less purchasing power, after taxes are paid, than his earnings in January 1941.

That the ability of management to pay higher wage rates in 1946 will be improved by certain measurable declines in costs, although some other cost factors which cannot be measured might alter this ability.

INCREASES COULD BE OFFSET

That, based on the measurable factors only, wage rate increases averaging about 24 percent could be offset by the dropping of overtime payments, up-grade wages, and the excess-profits tax.

The latter estimate was carefully qualified. The economists noted that it was impossible to gage the effect on profits of the following problems connected with the switchover to civilian goods:

The replacement of profitable wartime lines with lower-profit civilian goods; the necessity of breaking in green and inefficient workers; the low rate of output during the early stages of reconversion; and a decline in total volume of output in some industries.

On the other hand, the Government economists forecast that large increases in productivity would occur which in many cases would permit payment of higher wages.

STRIKING DIFFERENCES FOUND

The OWMR reports emphasized that there were striking differences in costs and profits from industry to industry, so that the averages used would help only in formulating a national policy, not in solving the wage problem of any specific industry.

The decline in earnings for the average worker during 1946 will be accompanied by unemployment—and total loss of earnings—for about 8,000,000 persons by next spring, the OWMR study predicted.

At the same time the total national output will drop from its wartime rate of \$206,000,000,000 to \$165,000,000,000, or somewhat less, as military production declines.

The reaction of the Advisory Board to these studies was not immediately made known, and White House officials said Mr. Truman had no comment to make.

However, the flurry of activity in the White House and in Snyder's office indicated that Mr. Truman was preparing shortly to issue his promised statement on wage-price policy.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

REORGANIZATION OF GOVERNMENT AGENCIES

Mr. MURDOCK. I move that the Senate proceed to the consideration of Senate bill 1120.

The PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Utah.

Mr. KILGORE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews
Austin
Ball
Barkley
Bilbo
Brewster
Briggs
Brooks
Butler
Byrd
Capper
Chavez
Connally
Cordon
Donnell
Eastland
Ellender
Ferguson
Fulbright
George
Gerry
Green
Gurney

Hart
Hatch
Hawkes
Hayden
Hickenlooper
Hill
Hoey
Huffman
Johnson, Colo.
Johnston, S. C.
Kilgore
Knowland
La Follette
Langer
Lucas
McClellan
McKellar
McMahon
Magnuson
Maybank
Millikin
Moore
Murdock

Myers
O'Daniel
Overton
Radcliffe
Reed
Revercomb
Robertson
Saltonstall
Taft
Taylor
Tunnell
Tydings
Vandenberg
Walsh
Wheeler
Wherry
White
Wiley
Willis
Wilson
Young

The PRESIDING OFFICER (Mr. MAYBANK in the chair). Sixty-seven Senators having answered to their names, a quorum is present.

The question is on agreeing to the motion of the Senator from Utah for the immediate consideration of Senate bill 1120.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 1120) to provide for reorganization of Government agencies, and for other purposes, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That this act may be cited as the "Reorganization Act of 1945."

TITLE I

SEC. 1. (a) The President shall examine and from time to time reexamine the organization of all agencies of the Government and shall determine what changes therein are necessary to—

(1) facilitate orderly transition from war to peace;

(2) reduce expenditures to the fullest extent consistent with the efficient operation of the Government;

(3) increase the efficiency of the operations of the Government to the fullest extent practicable;

(4) group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;

(5) reduce the number of agencies by consolidating those having similar functions under a single head, and by abolishing such agencies as may not be necessary for the efficient conduct of the Government;

(6) eliminate overlapping and duplication of effort; and

(7) provide for making currently and continuously, subject to the limitation contained in subsection (d) of section 4 hereof, such adjustments in the Government establishment as may be necessary or desirable in the interests of economy and efficiency.

(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding under the provisions of this title, and can be accomplished more speedily and efficiently thereby than by the enactment of specific legislation.

SEC. 2. No reorganization plan under section 4 shall provide for, and no reorganization under this act shall have the effect of—

(a) continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made; or

(b) continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been

made, or beyond the time when the agency in which it was vested before the reorganization would have terminated if the reorganization had not been made; or

(c) authorizing any agency to exercise any function which is not expressly authorized by law at the time the plan is transmitted to the Congress; or

(d) transferring to any other agency any executive department or all the functions thereof; or

(e) consolidating with any executive department any other executive department or all the functions thereof; or

(f) abolishing any executive department or all the functions thereof; or

(g) establishing any new executive department, or changing the name of any executive department, or designating any agency as "Department" or the head of any new agency as "Secretary"; or

(h) divesting any quasi-judicial agency of the means, right, or power to exercise independent judgment and discretion, to the full extent authorized by law, in the performance and effectuation of its quasi-judicial, investigative, or rule-making functions; or

(i) increasing the term of any office beyond that now provided by law for such office.

SEC. 3. (a) Whenever the President, after investigation, finds that—

(1) the transfer of the whole or any part of any agency or the functions thereof to the jurisdiction and control of any other agency; or

(2) the consolidation or coordination of the whole or any part of any agency or the functions thereof with the whole or any part of any other agency or the functions thereof; or

(3) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

(4) the abolition of any function or functions; or

(5) the abolition of the whole or any part of any agency which agency or part (by reason of reorganizations under this act or otherwise, or by reason of termination of its functions in any other manner) does not have, or upon the taking effect of the reorganizations specified in the reorganization plan will not have, any functions,

is necessary or desirable to accomplish one or more of the purposes of section 1 (a), he shall prepare a reorganization plan for the making of any reorganizations as to which he has made findings hereunder and which he elects to include in the plan, and shall transmit such plan (bearing an identifying number) to the Congress, together with a declaration that, with respect to each reorganization specified in the plan, he has found that such reorganization is necessary or desirable to accomplish one or more of the purposes of subsection 1 (a). The delivery to both Houses shall be on the same day and shall be made to each House while it is in session.

(b) Any reorganization plan prepared and transmitted pursuant to subsection 3 (a) shall—

(1) make provision for the transfer or other disposition of the records, property, and personnel affected by such reorganization;

(2) make provision for the transfer of such unexpended balances of appropriations available for use in connection with any agency reorganized as the President deems necessary by reason of the reorganization: *Provided*, That such unexpended balances so transferred shall be used only for the purposes for which the appropriation is originally made and any appropriations or portions of appropriations unexpended by reason of the operation of this act shall not be used for any purpose but shall be impounded and returned to the Treasury;

(3) make provision for winding up the affairs of any agency abolished;

(4) designate, in such cases as the President deems necessary, the name of any agency affected by a reorganization;

(5) make provision for such further measures, consistent with section 2, as the President deems necessary in order to facilitate administration with respect to any agency affected by a reorganization, including provision for the appointment, compensation, and duties of the head or any other officer of such agency: *Provided*, That no person shall be appointed to any office under a reorganization plan for a fixed term in excess of 4 years, and no provision shall be made under a reorganization plan for the appointment of any person as the head of an agency or (except for appointment under the classified civil service) as a policy-maker or at a rate of compensation in excess of \$5,000 per year, except by and with the advice and consent of the Senate: *Provided further*, That no reorganization plan shall fix the compensation of any person at more than \$10,000 per year.

SEC. 4. (a) The reorganization specified in the plan shall take effect, in accordance with the plan, upon the expiration of the first period of 60 calendar days, following the date on which the plan is transmitted to the Congress, during which the Congress shall be in session without adjournment sine die, but only if during such 60-day period there has not been passed by either of the two Houses a resolution stating that the body so resolving does not favor the reorganization plan: *Provided*, That if during such 60-day period either House of the Congress shall pass a resolution referring the reorganization plan back to the President with a request for specific changes, the running of such 60-day period shall be stayed until such time as the President shall reaffirm his approval of the plan as transmitted, or shall retransmit the plan with changes; and if he shall retransmit the plan with changes, it shall be deemed to be a new reorganization plan.

(b) Any provision of the plan may, under provisions contained in the plan, be made operative at a time later than the date on which the plan shall otherwise take effect.

(c) If the reorganizations specified in a reorganization plan take effect, the reorganization plan shall be printed in the Federal Register and shall be printed in the Statutes at Large in the same volume as the public laws.

(d) No reorganization specified in a reorganization plan shall take effect unless the plan is transmitted to the Congress before July 1, 1947.

SEC. 5. Whenever the employment of any person is terminated by a reduction of personnel as a result of a reorganization affected under this act, such person, if he served without time limitation, shall thereafter be given preference, when qualified, whenever an appointment is made in the executive branch of the Government, but such preference shall not be effective for a period longer than 12 months from the date the employment of such person is so terminated.

SEC. 6. (a) All orders, rules, regulations, permits, or other privileges made, issued, or granted by or in respect of any agency or function reorganized under the provisions of this act and in effect at the time of the reorganization shall continue in effect to the same extent as if such reorganization had not occurred, until modified, superseded, or repealed, except as otherwise provided in a reorganization plan.

(b) No suit, action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of any reorganization plan under the provisions of this act, but the court may, on motion or supplemental petition filed at any time with-

in 12 months after such reorganization plan takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the successor of such officer under the organization so effected.

(c) All laws relating to any agency or function reorganized under the provisions of this act shall, insofar as such laws are not inapplicable, remain in full force and effect.

SEC. 7. When used in this act—

(a) The term "agency" means any executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, service, office, authority, administration, or other establishment in the executive branch of the Government, except the Interstate Commerce Commission, the Federal Communications Commission, the Federal Trade Commission, and Securities and Exchange Commission, the United States Tariff Commission, the Federal Power Commission, the Federal Deposit Insurance Corporation, the Federal Land Bank System, the National Mediation Board, the National Railroad Adjustment Board, the Railroad Retirement Board, and the municipal government of the District of Columbia.

(b) The term "establishment in the executive branch of the Government" does not include the General Accounting Office, which is an establishment in the legislative branch.

(c) The term "policy maker" means one who devises, or who has final authority, sole or joint, in the creation of or ordering into operation, plans, estimates, programs, or administrative procedure relating to an agency's operations and in conformity with law, or pertaining to the function of the agency and the administration of law, as prescribed by Congress.

(d) The term "reorganization" means any transfer, consolidation, coordination, abolition, or other measure, referred to in subsection (a) of section 3.

SEC. 8. The second paragraph of section 5 of title I of the First War Powers Act, 1941 (55 Stat. 838), being the last sentence of the said title I is hereby repealed.

TITLE II

SEC. 201. The following sections of this title are enacted by the Congress:

(a) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in sec. 202); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

SEC. 202. As used in this title, the term "resolution" means any resolution introduced in either House of the Congress in pursuance of subsection (a) of section 4 of this act, the matter after the resolving clause of which is as follows: "That the * * * does not favor the reorganization plan numbered * * * transmitted to Congress by the President on , 19 , " the first blank space therein being filled with the name of the resolving body, and the other blank spaces therein being appropriately filled; and does not include a resolution which specifies more than one reorganization plan.

SEC. 203. A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

SEC. 204. (a) If the committee to which has been referred a resolution with respect to a reorganization plan has not reported it before the expiration of 10 calendar days after its introduction (or, in the case of a resolution received from the other House, 10 calendar days after its receipt), it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such reorganization plan which has been referred to the committee.

(b) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to not to exceed 1 hour, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(c) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same reorganization plan.

SEC. 205. (a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(b) Debate on the resolution shall be limited to not to exceed 10 hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

SEC. 206. (a) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a reorganization plan, and all motions to proceed to the consideration of other business, shall be decided without debate.

(b) All appeals from the decisions of the chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, which, being in the nature of a substitute, is open to amendment, and any amendment thereto should be proposed before the vote is taken on the committee amendment.

AMERICAN FUNDAMENTALS

Mr. CHAVEZ. Mr. President, today I have heard quite a debate on tax matters. The average American knows very little about taxes, except that he has to pay them.

I am in receipt of a letter dealing with American fundamentals of which every American knows. I wish to take a little of the time of the Senate to read the

letter. It is addressed to me, and reads as follows:

WOODSIDE, QUEENS, N. Y., October 29, 1945.
Senator DENNIS CHAVEZ,
United States Senate,
Washington, D. C.

DEAR SENATOR CHAVEZ: On the eve of election, November 6, 1944, my former Commander in Chief, Franklin Delano Roosevelt, said:

"When the ballots are cast your responsibilities do not cease. The public servants you elect cannot fulfill their trust unless, you, the people, watch and advise them. Raise your voices in protest when you believe your public servants to be wrong; back them up when you believe them to be right."

Recently, President Truman said these historic words:

"Today we stand on the threshold of a new world. We must do our part in making this world what it should be, a world in which the bigotries of race and class and creed shall not be permitted to warp the souls of men."

These words are not high-sounding empty phrases spoken to lull the people into deceptively peaceful sleep. These words have life and meaning. They are the essence of democratic government, which is defined best as "government of the people, by the people, and for the people"—all the people, not just a chosen few.

I am an American who believes in the ideals of Abraham Lincoln and Robert E. Lee. I raise my voice in protest against the vicious discriminatory religious and racial hate, as spouted by some of the more reactionary citizens of America.

I am an average American citizen whose only claim to prominence is a lone 16 days of picketing in Washington, D. C. I would not have interrupted my self-imposed picketing duty were it not for the fact that my leg wounds, incurred in the Pacific battle of Savo Bay aboard the cruiser *Vincennes*, made continuous action impossible.

My parents were poor Polish immigrants who came to this country in search of what did not exist in Europe. In their labored English they told me that the United States represented promise and hope to all who suffer in dull, throbbing defeat. They understood America, understood it far better than these same reactionaries, some of whom are descended from generations of native-born Americans.

I grew up in New York's lower east side, where all the ingredients of the melting pot that is America are fused into a most wonderful country. I studied and played with Italians, Jews, Irish, Negroes, and others whom some persons would dismiss as "undesirable nationalities." As I was not important, wealthy, or aristocratic, I was only an unimportant, poor, ignorant kid—I called my friends Americans and they thought of me as an American, too.

Of course, there were plenty of street gang fights. Children in poor, crowded slums need some form of activity. My head was once bashed in for defending a Jewish lad in a gang scrap. But those kids and their parents would never have listened and believed in some speakers with their blind prejudices.

I enlisted in the Navy on August 2, 1940. I knew that a war against fascism was inevitable and I wanted to fight it from the beginning. I did not know that the Hitlerian shoots I was helping to destroy were already transplanted to my own country, and were now trying to choke and invalidate the very thing we were fighting for.

As pharmacist's mate on the U. S. S. *Vincennes*, a heavy cruiser which participated in the battles of Coral Sea, Midway, Guadalcanal, and Savo Bay in the Solomon Islands, I served with other Americans, men whose origins were Negro, Jewish, Irish, Italian, Hungarian, Polish, and Greek. They lived,

fought, and died together—for the United States of America, their country.

Let me tell you two short stories—incidents that prove to me a man's a man, regardless of his race, creed, color, or national origin. During the battle of Savo Bay the left arm of a Negro boy aboard the *Vincennes* was shattered by shrapnel. I applied a tourniquet, did what else I could for him and left him to look after the other wounded men. When I returned, he was not lying there—he was on the line passing ammunition with his one good arm. That man is dead now—he gave his life for America and the preservation of democracy.

Another lad, his chest crushed by a piece of shrapnel, was hurt so badly that nothing could be done for him except to make his last minutes as comfortable as possible. I gave him something to dull the pain and he died soon afterward. His dead hand dropped open and in it was a Star of David and a picture of a pretty girl holding a chubby, smiling baby. He never saw his son. This boy died for America and the promises it must make and keep to his child. Shall these promises be abrogated by any unintelligent persons today? Should such men be called "niggers" or "kikes"? It was they who kept this country free. Should anyone speak against them?

I saw boys suffer and I looked at the dead faces of many more. And out of my wide experience with death, I would like to say that a pure southern white and a Negro or a Jew or an Italian die for the same reasons and show the same physical manifestations in death. Negro blood and white blood have exactly the same chemical make-up. All blood congeals in death. Black and white limbs grow equally stiff. Italian and Negro hearts stop beating as tragically as southern hearts. The screams and grimaces of dying men have nothing to do with their origins. They are men, human beings, simply that, nothing less, nothing more. And that is enough.

The *Vincennes* was bombed and sunk on August 9, 1942. I did not abandon ship when the order was given because I had a duty to my wounded shipmates. I stayed at my battle station and administered first aid to my fallen comrades. While engaged in my tasks, I was hit by shrapnel and received serious wounds, including a compound fracture of the left leg in four places—an injury from which I shall never recover completely. I crawled through the warm blood of Negroes, Italians, Jews—the blood of Americans. Incidentally, only 30 percent of the Negroes on our ship survived. They all died for something many of them had never had in life—a way of living which did not exclude them from the things which all men should regard as their due.

I would not be alive today were it not for the 4 pints of blood plasma. I do not know whether it was Jewish blood, Christian blood, white or Negro blood. All I know is that it saved my life and I am thankful to any American regardless of his race, creed, color, or religion, because perhaps his blood flows in my veins. If any bigoted person ever visited the "blood bank" perhaps I have his blood in my veins—that would be most ironic.

I spent the next 3 years in naval hospitals. During this time the Navy sometimes sent me out to make war-bond and blood-plasma speeches. Most of my days, however, were spent in the hospital. Here I met, talked to, and lived with other wounded men. We had plenty of time to think and to read the newspapers. I have seen tears come to the eyes of my sick buddies when they read some of this terrible hate propaganda. "Was this what we fought for?" "Was this why my arm or leg was thrown aside? God, if this is true, what a horrible waste it's all been." That's what those silent tears said to me.

After my discharge from the St. Albans Naval Hospital, I decided to speak out against

all hateful prejudices and attacks. In my picket line, I carried a sign reading "Was it in vain that I fought for democracy?" I had no response except someone sent me a book of speeches—not even autographed.

It wasn't easy or pleasant to walk up and down the street in front of the place I have chosen to picket. My leg cannot stand that much exercise very well. I was annoyed by questions about the "organization" I represented. I do not and never have represented any formally organized group. I was a lone American demanding the fruits of democracy for himself and 133,000,000 other Americans. If victory is to have more than a mere military connotation, we must see that discrimination against minority races and groups is no longer tolerated in speech or act.

I intend to keep doing my part. Others are joining me: Our voices are clear and sure. We are going to fight intolerance wherever we find it. We will expose intolerance in Catholic, Protestant, or Jew. We will organize and expose it in New York and in California and in Mississippi and in all the other States, up and down and across the land.

I have received hundreds of letters from servicemen and civilians. All except two congratulated be on my stand. And if I could talk to the two who were on the other side, perhaps I could make them understand that something like Mr. Willkie's One World is the alternative to no world at all.

We face a serious problem in the returning veteran who might listen to any person's Fascist foaming. There will be emotional, economic, and social maladjustment. Twisted, bitter hearts may respond to their cynical, vicious talk. They may become eager to "put the nigger in his place." Impatient, hungry men are seldom logical or progressive.

I know nothing about politics. I have never sought or held office. I am a leader only in the sense that I am not afraid to speak for millions of others. Their voices are blended in mine.

I quote from some of the letters I received during my stay in Washington:

1. "I read with interest the account in the newspapers of your one-man fight. It was about time someone had enough guts to tell what the servicemen think and I admire your courage for being the first. You have become the spokesman for all the fellows in service, and you can be sure that we're all behind you 100 percent. I sincerely hope that you are only the first of thousands of GI's who will come home and campaign actively for the Americanism that we've been fighting for."

2. "By the time this letter reaches you, if it ever should, I feel confident that your call for ex-servicemen to aid you will have been answered by many others like yourself. I know that if it were possible, I and countless others still in service who have read of your campaign, would be right there beside you because most of us feel with you."

"Perhaps this letter should be in a vein of thanks, to express in some way the gratitude of all of us to you for representing those who are unable to join you other than to lean on our pens as a means toward silencing those in America who are creating racial and religious intolerance; those here at home who pit black against white, Jew against Gentile; those who have forgotten and forgiven Tojo and Hitler just as surely as we haven't."

"From Tokyo, from Germany, from wherever Americans are, they are with you in heart because they cannot be with you in person."

3. "The WIVES, Inc., an organization of women of every faith, creed, and color, whose husbands have fought and died in every branch of the armed forces for preservation of the democratic ideals, want to express their gratitude for the magnificent stand you are now making."

4. "Our country needs more and more men like you who have the courage publicly to condemn what threatens the public welfare. It takes a rare audacity of spirit to dare to make oneself conspicuous in the public interest, and I salute you for displaying it."

"Our son died in this war knowing very well, despite his youth, that what he fought for was the brotherhood of man, and that the fight must be fought at home as well as abroad."

"My husband joins me in admiration of your stand, and in pleasure in the knowledge that, whether he admits it or not * * * will know from now on that he cannot unchallenged attack the basic idea of Americanism."

5. A copy of a telegram was enclosed with this letter. It reads: "Sixty-eight of us are sending \$34 to Edward Bykowski. Although he has discouraged contributions, we hope it will enable him to continue picketing. We are servicemen of many racial strains who are strongly opposed to the antiracial prejudices."

6. "As a southern woman and a Democrat concerned about giving full opportunity to every human being, I want to cooperate with you in my small way."

"I am one of 130,000,000 citizens who want to thank you personally for offering your life for what you at least thought was a fight for human freedom, and I appreciate the way you continue to carry on the fight in the place it should have started—at home."

"May I take you to dinner while you continue this fight for me? Enclosed is the dollar for the check."

7. "Enclosed please find a money order for \$5 to help you in your fight, which I trust you will accept in the spirit it is given by me."

"This is given in memory of our boy who died at Salpan, fighting like you and the rest of us for the cause. In my opinion, it is not fair that you alone should carry the expense."

"Too bad that we can't settle this matter the way it really should be settled."

Part of the money I received was given to the American Library Association—for books for the libraries of all States. The balance is being used to carry on this fight against intolerance and bigotry.

John Galsworthy said, "The measure of democracy is the measure of the freedom and sense of individual responsibility in its humblest citizens." These letters and all the others written to newspapers and Congressmen prove that the sense of individual responsibility is alive and fighting. And in a democracy, when the people fight, the people win.

Too many of my "kike," "dago," and "nigger" friends are nothing now but crumbling bones under lonely white crosses and Jewish stars. What they died for must not die with them. It must live after them in the free thoughts and courageous speech of their children's grandchildren.

VE-day and VJ-day were great and joyful days in our history, but we veterans are looking forward to a VA-day—a victory in America day. We lived and fought for the day we could come back to peace, and instead, we read of Hitlerian doctrines. Politicians had better learn that if they try to destroy the "work, laugh and live together" philosophy, that is America, they will destroy themselves at the polls. America will win this war, too.

Yours for a greater victory—freedom for all and a real peace.

EDWARD A. BYKOWSKI,
Chairman, Bykowski Committee for
Human Rights.

RETURN OF SERVICEMEN

Mr. KNOWLAND. Mr. President, on September 29 I addressed a letter to the Secretary of War asking for certain specific information regarding the return home of men from overseas. I ask

unanimous consent to have the letter printed in the RECORD, together with the answer from Secretary Patterson.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SEPTEMBER 29, 1945.

Hon. ROBERT P. PATTERSON,
Secretary of War, War Department,
Washington, D. C.

DEAR MR. SECRETARY: I should like to have you furnish me at the earliest opportunity:

1. Figures showing by months the number of men in the Army who have been sent home from the European theater of operations and from the Pacific, with a separate break-down in each case.

2. The same information, preferably by weeks, showing the number of men who are being returned to civilian life—both sets of figures to commence as of VE-day and VJ-day for the respective theaters.

3. The number of ships now being used in the redeployment and whether or not there has been an increase in the number of ships used or a decrease in the number being used for this purpose.

4. The number of Navy warships that are now being used to bring soldiers home from Europe and the Pacific and to what extent such ships have been used. Also the number of men they have brought home from each theater to date.

5. The number of men being brought home from each theater by plane and the number of planes currently being used for this purpose.

6. What arrangements we have with the British Government under lend-lease or reverse lend-lease for the continuous use of the "Queens" in the redeployment of our troops, and whether the British Government has requested the release of these vessels to be returned to the commercial trade or to the British for rehabilitation and preparation to be put into commercial trade.

7. The number of men now in the two theaters with more than 100 points, and the number, by brackets of 10, from 70 to 100 points.

8. The number of medical officers in the Medical Corps who are now in the two theaters and in the United States. Also the number of doctors who have been released from the service since VE-day.

Rest assured that your courtesy in supplying this information at the earliest possible date will be greatly appreciated.

Sincerely yours,

WILLIAM F. KNOWLAND.

OCTOBER 30, 1945.

Hon. WILLIAM F. KNOWLAND,
United States Senate,
Washington, D. C.

DEAR SENATOR KNOWLAND: The information requested in your letter dated September 29, 1945, is submitted below:

1. Personnel debarking in the United States by air and water:

From Europe (ETO and MTO):

May 12 through 31, 1945-----	50,000
June -----	290,000
July -----	341,000
August 1-14-----	171,000
August 15-31-----	238,000
September (preliminary)-----	383,000

Total----- 1,473,000

From Pacific (Western Pacific and Middle Pacific):

May 12 through 31, 1945-----	6,000
June -----	32,000
July -----	46,000
August 1-14-----	25,000
August 15-31-----	20,000
September (preliminary)-----	79,000

Total----- 208,000

2. Information is not available on returns to civil life by theater. Total returns to civil life are listed below:

May 12, 1945.....	4,490
Week ending May 19.....	18,079
6 days ending May 25.....	18,787
Week ending June 1.....	23,279
Week ending June 8.....	26,353
Week ending June 15.....	32,221
Week ending June 22.....	40,280
Week ending June 29.....	47,385
Week ending July 6.....	40,435
Week ending July 13.....	37,930
Week ending July 20.....	34,260
Week ending July 27.....	36,146
Week ending Aug. 3.....	38,014
Week ending Aug. 10.....	36,686
Aug. 11 through Aug. 14.....	23,288
Total.....	457,633

Aug. 15 through Aug. 17.....	16,717
Week ending Aug. 24.....	46,830
Week ending Aug. 31.....	59,995
Week ending Sept. 7.....	80,573
Week ending Sept. 14.....	104,058
Week ending Sept. 21.....	148,144
Week ending Sept. 28.....	202,017
Week ending Oct. 5.....	234,516
Week ending Oct. 12.....	266,190
Week ending Oct. 19.....	301,843
Oct. 20-22 (inclusive).....	135,180
Total.....	1,596,063

Aggregate (since VE-day)..... 2,053,696

3. At the present time 512 regular troop carriers are being used in redeployment, an increase of about 60 since VE-day.

4. Navy warships are returning both Army and Navy personnel to maximum capacity. Their availability is dependent upon the ability of the fleet to release them for this service.

5. It is estimated that transport planes are presently making 465 trips a month across the Atlantic returning approximately 9,000 personnel, and the Pacific 720 trips returning approximately 13,500 personnel. The above figures do not include tactical aircraft returning to the United States with crews and passengers for whom there is space.

6. Prime Minister Attlee recently wrote to President Truman stating that in view of the end of the war and the necessity for returning British soldiers to their homes, he could no longer justify to his people the retention by the United States of the *Aquitania* and the *Queen ships*. He stated that he must ask for the return of these ships or equivalent shipping space in American ships. President Truman, therefore, directed our representatives on the Joint Chiefs of Staff to make this space available to the British, and it was decided to return to them the *Aquitania*, one of the *Queen ships* and to give them American shipping space equivalent to the second *Queen* which this country would continue to use.

Our use of the *Queen ships* and the *Aquitania* has been based on an agreement with the British made last May which was to run until the end of this year, during which period it was expected the war with Japan would continue.

The release of this shipping will cost us about 120,000 personnel spaces by the end of December. It is expected that this loss will be made up by the end of January 1946, at which time the shipping then available in the Atlantic will be able to return men from Europe as rapidly as the theater can release them. The surplus personnel now in the theater will have been removed by that time, and we will be operating on a current basis. It is not planned to remove shipping from the Pacific to replace this loss in the Atlantic due to the fact, first, we were not counting on this shipping beyond the end of the year, anyway, and, second, because the spaces are more vitally needed in the Pacific where dis-

tance makes the return of men from that area slower than in the Atlantic.

Important fact is that the boats were intended for redeployment—not for bringing men home—therefore the British were justified in asking for their share of the return-home shipping.

7. Following are estimates (as of October 15, 1945) of enlisted men in European theater and the Pacific theater having point scores 70 or over. Reports from which this estimate was made group scores 85 and over. Hence, information is not available as to the number of men having scores over 100, and the number of men in brackets from 85 to 100. For your further information, it is estimated that all men having scores of 85 or over will be out of the service by November.

Europe (ETO and MTO):

'85 and over.....	125,000
80-84, inclusive.....	120,000
70-79, inclusive.....	393,000

Pacific (middle Pacific and western Pacific):

85 and over.....	75,000
80-84, inclusive.....	50,000
70-79, inclusive.....	170,000

8. Following are Medical Corps officers as of August 31, 1945:

European theater (ETO and MTO).....	11,865
Pacific theater (western Pacific and middle Pacific).....	6,397
Zone of interior.....	26,079

¹ Includes some officers relieved from active duty but who are included in the strength until their terminal leave expires.

The total number of Medical Corps officers returned to civil life (relieved from active duty) from VE-day through October 19, 1945, amounted to 8,815.

Sincerely yours,

ROBERT P. PATTERSON,
Secretary of War.

Mr. KNOWLAND. Mr. President, I wish to state that there are several points which I think are of interest to the Senate in connection with this whole policy of the return home of men from overseas. All of us have received letters from both the Pacific and the European theaters of operations. The Army and the Navy have been doing a job, and I think they are to be commended for the speed with which they have been bringing men home, but I am not satisfied that the men have been returned as rapidly as they could be.

I call the attention of the Senate to the fact that the Secretary of War points out in this communication that the President of the United States had received a letter from the Prime Minister of Great Britain, Mr. Attlee, regarding the release of the *Queen Elizabeth* and the *Aquitania*. I do not think any of us can have any legitimate objection to the British wanting those ships returned in order to bring their own men home, but what I think we can question is that those ships were released before we had a plan for taking up the total loss of lift which resulted from the release of the ships.

It seems to me, and I think the Members of the Senate will agree, that we need now a coordinator of military transportation, so that full use can be made of both war vessels and commercial vessels which are available to us, and also the air lift that is available to us. None of us wishes to see the United States forces in the European theater

and in the Pacific reduced to such a point that this Nation cannot uphold its standing in dealing with the problems which today confront the world. However, I feel that those men who are not needed in our occupation forces in the Pacific and in the European theater of operations are entitled to be brought home just as expeditiously as possible and with all the facilities the Government can muster to bring them home. Otherwise, we will have a tremendous morale problem on our hands.

REORGANIZATION OF GOVERNMENT AGENCIES

The Senate resumed the consideration of the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

Mr. OVERTON. Mr. President, I offer an amendment to the Senate committee amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 17, line 20, after the word "Board" it is proposed to insert "civil functions of the Corps of Engineers, United States Army."

Mr. MURDOCK obtained the floor.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Hart	Myers
Austin	Hatch	O'Daniel
Ball	Hawkes	Overton
Barkley	Hayden	Radcliffe
Bilbo	Hickenlooper	Reed
Brewster	Hill	Revercomb
Briggs	Hoey	Robertson
Brooks	Huffman	Saltonstall
Butler	Johnson, Colo.	Taft
Byrd	Johnston, S. C.	Taylor
Capper	Kilgore	Tunnell
Chavez	Knowland	Tydings
Connally	La Follette	Vandenberg
Cordon	Langer	Walsh
Donnell	Lucas	Wheeler
Eastland	McClellan	Wherry
Ellender	McKellar	White
Ferguson	McMahon	Wiley
Fulbright	Magnuson	Willis
George	Maybank	Wilson
Gerry	Millikin	Young
Green	Moore	
Gurney	Murdock	

The PRESIDING OFFICER. Sixty-seven Senators have answered to their names. A quorum is present.

Mr. MURDOCK. Mr. President, we are about to begin the consideration of S. 1120, which is commonly known as and referred to as the reorganization bill. I doubt that there is any subject which has come before Congress which is so frequently referred to in both Houses of Congress as Senate bill 1120, and what is intended under its provisions. In my opinion, it is one of the most important bills Congress has considered in a long time or will consider during the remainder of this session.

Due to the fact that the distinguished senior Senator from Nevada [Mr. McCARRAN], chairman of the Committee on the Judiciary of the Senate, was called back to his State on very important business, he requested me to present to the

Senate S. 1120 as reported by the Committee on the Judiciary.

Many of the amendments which are contained in the bill as reported by the Senate Committee on the Judiciary were vigorously opposed by me during its consideration. Because of that fact, I might find myself in an embarrassing position, Mr. President, in the presentation of the proposed legislation. However, I shall attempt to make my statement respecting the proposed legislation as objective as possible. But I do reserve the right in making that statement to advert to and explain my position on some of the amendments as they were considered by the subcommittee and by the full membership of the Committee on the Judiciary.

S. 1120 was introduced nearly 5 months ago, on June 7, by the senior Senator from Louisiana [Mr. OVERTON], acting for the chairman of the Senate Committee on the Judiciary. In the Committee on the Judiciary, S. 1120 was referred to a subcommittee, which fixed a date for hearings, and invited every major Federal agency to attend and testify if it desired to do so. Most of the agencies invited replied to the invitation with a statement that they did not desire to testify. Testimony was received from the Comptroller General of the United States, from the Director of the Budget, from the United States Maritime Commission, from the Solicitor of the Department of Commerce, and from the General Counsel of the Federal Works Agency. In addition to these representatives of the executive branch, testimony was received from a representative of the Association of Interstate Commerce Practitioners, a representative of the National League of Women voters, a representative of the Railway Labor Executives Association, a representative of the Government Employees Council of the American Federation of Labor, and a representative of the Brotherhood of Locomotive Engineers. Letters from nearly all the major agencies in the executive branch of the Government also were made a part of the record, as were various letters from interested parties outside of government.

An opportunity to testify was granted to every person or agency which asked to be heard.

The hearings, which consumed 5 days, were concluded on September 18, and the bill was thereafter considered by the subcommittee in executive session. Numerous amendments were approved by the subcommittee. The subcommittee then reported the bill, as amended, to the full committee, where it was again considered, section by section, and further amendments were added. In the form in which it is before the Senate now, this bill is different in several respects from the text of the bill as originally introduced. The changes represent the views of the Senate Committee on the Judiciary.

One of the most important questions the committee had to decide was whether to require the approval of both Houses of the Congress in order to permit a reorganization plan to go into effect.

This decision involved consideration of a constitutional question, and the com-

mittee felt its responsibility most keenly. The responsibility was particularly great because of the expectation that the Supreme Court probably would refuse to pass upon the constitutionality of any reorganization act approved by the Congress, on grounds that it is a political question and not properly subject to court review. The two views on this constitutional issue, while divergent in their conclusions, agree with respect to one premise: namely, that any action by the Congress requires the concurrence of both Houses. This decision involved consideration of a constitutional question, and the committee felt its responsibility most keenly. The responsibility was particularly great because of the expectation that the Supreme Court probably would refuse to pass upon the constitutionality of any reorganization act approved by the Congress, on grounds that it is a political question and not properly subject to court review.

The two views on this constitutional issue, while divergent in their conclusions, agree with respect to one premise, namely, that any action by the Congress requires the concurrence of both Houses.

One view is that this concurrence is required even in the case of a negative action such as a concurrent resolution disapproving a reorganization plan. It is my humble opinion that this view is the correct one under our Constitution. Proponents of this view contend that by this bill the Congress is conferring as a practical necessity, if there is to be efficient reorganization, extraordinary powers on the President, but that this extraordinary power conferred upon the President is so well canalized, and the standards are so well set up and sufficiently specified, that the functions of the President under this legislation are executive functions, and that there is not a delegation of any legislative power.

I take the position that Congress cannot delegate to the President fundamental legislative powers any more than it could delegate to some other executive agency or officer legislative powers.

I take the position that if there are legislative functions delegated to the President by this bill, then the bill, if enacted, would be unconstitutional.

It is not my contention that other members of the Judiciary Committee, who agreed with me that there should be a concurrence of both Houses in any disapproval of a reorganization program, would fully agree with me in my position that there is not, and cannot be, a delegation of legislative powers under this legislation. There may be some members of the committee who insist on the concurrence of both Houses in a resolution of disapproval, that may take the position that legislative functions are delegated by this proposed bill. But if my position is correct, that this bill does not, and could not, within the Constitution, delegate legislative power, but that the functions of the President under it are wholly executive, then the attempt to give to either House of Congress, by action which is not legislation, power to disapprove administrative acts, raises a grave question as to the validity of this provision of the bill.

The language of the bill, as I construe it in simple terms is, that under both general and specific standards, we confer on the Executive extraordinary powers in order to get a reorganization job done which we all agree is absolutely necessary. And because of this conferring of extraordinary powers, the Congress sees fit to reserve the right, before a reorganization plan becomes effective, to examine it and even to veto it. But in the reservation of such a veto power, it is my opinion that under the Constitution it must be a concurrent veto power of both Houses and not a separate veto power of either House.

Mr. HATCH. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. EASTLAND in the chair). Does the Senator from Utah yield to the Senator from New Mexico?

Mr. MURDOCK. I yield.

Mr. HATCH. The Senator has just expressed his own personal view on that particular point, with which view I am in accord.

Mr. MURDOCK. I am happy to have that information.

Mr. HATCH. Was the question which the Senator is now discussing ever considered by the subcommittee?

Mr. MURDOCK. Yes. I believe that more attention was given to this particular question than to any other question which was discussed while I was a Member of the subcommittee. However, I became a Member in place of the Senator from Mississippi [Mr. EASTLAND], who was necessarily absent from the Senate. The chairman of the committee asked me to serve in his place.

Mr. HATCH. The reason I asked the question is that I was also a Member of the subcommittee. I was not present at the last few sessions, or at the meeting of the full committee. However, during the time when I was present, the question of constitutionality was never raised in the subcommittee.

Mr. MURDOCK. It was raised in the latter part of the hearings, which I attended. I recall that the Senator from New Mexico was not present.

Mr. MOORE. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. MOORE. As I understand the bill, if a plan is submitted by the President and is not acted upon by either House, it becomes law. In other words, such a plan could become law by default.

Mr. MURDOCK. Under the language of the bill as reported by the committee, when a reorganization plan is submitted by the President, it becomes law at the expiration of 60 days unless during that period it is disapproved by either House of Congress.

Mr. MOORE. Then it could become law by default of the Congress?

Mr. MURDOCK. No. It would become law under the terms of the bill which we are now discussing. In that bill Congress provides—and in a sense commands, if such a word is appropriately used in connection with the Chief Executive—that the Chief Executive examine, investigate, and study the whole executive department of government

with a view to reorganizing for the purpose, among others, of reducing expenses of the executive department, for the purpose of increasing efficiency, and for numerous other purposes. To accomplish those purposes Congress sets up standards in the bill. In other words, it transfers extraordinary power to the President—of necessity, I should say, if we want reorganization—but in granting that authority to the Chief Executive we canalize that authority between well-established banks, within specific restrictions and qualifications, and with specific directions as to how it shall be done. My position is that when Congress passes the bill in that form, and it is approved by the President, then the functions of the President under that type of legislation are not legislative, but are executive and administrative. Therefore my position is that if and when the President exercises executive functions in carrying out the policy of Congress as authorized under a law of this kind, and submits to the Congress what he has done as an Executive under the direction of Congress, the Congress cannot, except by concurrent action, and should not, strike down the executive functions so performed, so long as they are within the standards and qualifications established by the Congress.

Mr. MOORE. Mr. President, will the Senator further yield?

Mr. MURDOCK. I yield.

Mr. MOORE. The Senator made the remark that it was necessary, in order to have reorganization, to delegate this authority to the President. I should like to have him expand his views on that subject.

Mr. MURDOCK. I shall reach that question later in my statement. I think probably if I were permitted to proceed, many of the questions now being asked would be answered. However, at the conclusion of my statement I shall be very happy to answer any question if I can.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. HATCH. I know that the Senator does not wish to be interrupted because he desires to finish his statement. However, something was said which caused me to wonder if perhaps I had misunderstood the Senator's statement of his personal view concerning the legality or constitutionality of either House, by itself, being able to disapprove a plan and make it ineffective.

Mr. MURDOCK. In my judgment the spirit and letter of our Constitution contemplate that whenever the Congress acts legislatively it must be by concurrence of the two Houses, and under our system cannot be by the action of one House exclusively.

Mr. HATCH. That is the way I understood the Senator, and I agree with that view.

Mr. MURDOCK. I am honored to have the Senator agree with me.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. FERGUSON. Does the Senator contend that the two Houses can enact legislation by not acting at all? Such procedure would be concurrent, in that

neither House would act. Does the Senator contend that we can enact legislation in that way?

Mr. MURDOCK. I certainly do not contend that Congress can legislate in any way except by concurrent action of the two Houses. Certainly, I do not imply—and I think it is an incorrect inference on the part of the distinguished Senator from Michigan to say that I advocate or support—the position that Congress can legislate by inaction.

Mr. FERGUSON. I drew that inference as a conclusion from the Senator's answer to the other question. As the bill was originally introduced, it would permit Congress to enact legislation by both Houses failing to act. As reported by the committee, the bill would give either House the right to object; and if either House objected the plan would not become law.

Mr. MURDOCK. I do not agree with the Senator's statement as to the enactment of legislation by inaction, or failure by the Congress to act. I know that the Senator takes the position that if concurrent action by both Houses were required in connection with the resolution of disapproval, one House would be permitted to control the situation.

Mr. FERGUSON. Let me ask the Senator this question: If the House should fail to act within 60 days, and the Senate should fail to act within 60 days after a reorganization plan is presented, as the bill was originally drafted would the plan have become a law?

Mr. MURDOCK. Yes. The President, acting in his executive capacity, submits a plan to the Congress under the legislation contemplated in this bill. If the concurrence of both Houses were required in a resolution of disapproval, the program of the President would become the law of the land unless both Houses acted within the time limit.

Mr. FERGUSON. As the bill stands today, if the House should fail to act within 60 days, and the Senate should fail to act within 60 days after the reorganization plan was submitted to Congress, would the plan become law?

Mr. MURDOCK. Yes. The plan of the President, which carried out the policy laid down by Congress and submitted pursuant to law, would become the law of the land. But I invite the Senator's attention to a very analogous situation affecting court procedure in our Federal courts. All of us who have ever practiced in the Federal courts or have had anything to do with procedure in the Federal courts know that attempt after attempt was made to unify the rules of procedure, but no success was had until the Supreme Court of the United States was given the power to write the rules of civil procedure. A provision of the law conferring that power was very analogous to the matter the Senator has called to our attention. It was to the effect that if and when the rules were submitted by the Supreme Court and were pending in the Congress for a period of 60 days, with no action taken, they would become the rules of procedure of the Federal judiciary.

Mr. FERGUSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. TAYLOR in the chair). Does the Senator from Utah yield to the Senator from Michigan?

Mr. MURDOCK. I yield.

Mr. FERGUSON. I, for one, believe there is no greater need than that for the reorganization of the Federal Government of the United States. I am in favor of the pending bill with, I think, two modifications in the form of amendments which I have sent to the desk and have asked to be printed. One is a modification which will simplify the rules so as to make sure that a vote can be reached on the question in either House within the time limit.

So, I am in favor of the bill as drafted, with several exceptions which I have stated in the amendments I have submitted.

I am not opposing the bill. As it came from the committee I think it is now constitutional and proper, because either House will have a right to vote—in fact, if the amendments are approved, it will become mandatory upon the Houses of Congress to vote upon this issue within the 60-day period.

Mr. HATCH. Mr. President, will the Senator yield to me once more?

Mr. MURDOCK. I yield.

Mr. HATCH. Question was asked whether any plan would become effective by reason of inaction. It was asked whether we could legislate by inaction. I ask the Senator if it is not true that any law requires affirmative action by both branches of the Legislature and approval by the Executive, unless it is passed by a necessary two-thirds majority over the veto of the Executive.

Mr. MURDOCK. The Senator has very correctly stated legislative procedure under the Constitution.

Mr. HATCH. The vitality of this procedure does not come from inaction, but it is given vitality by the law which we are about to pass. That is the affirmative, strengthening, life-giving action.

The proposal to do away with such action, to which we give life when we legislate in a constitutional manner, is, not to legislate by inaction, but to kill legislation which has been properly executed. Under the pending bill it is proposed that the death blow may be given proper legislation by having either branch of Congress act separately and independently of the other.

Mr. MURDOCK. Mr. President, I think the Senator has stated the position I take even better than I could state it.

While I have the highest regard and the utmost respect for the distinguished junior Senator from Michigan who, in my opinion, is always sincere in the position he takes, I would be less than frank if I did not tell him that what he does and what he has accomplished by his great industry and perseverance in amending the bill, if the amendments he has offered and supported become law, is to make reorganization absolutely impossible.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. FERGUSON. I appreciate the remarks of the Senator that at least the Senator from Michigan was sincere in

his attempt to have the bill come to the floor in its present shape. I am of the opinion that if the bill is passed as it is now written, with several amendments as to procedure, it will safeguard the rights of the citizens by an act of Congress.

But, Mr. President, in this bill, even now, we give to the President the right to abolish functions created by legislative acts passed by both Houses of the Congress and approved by the President or becoming effective by reason of his failure to act—which, under the Constitution, would result in having the bill become a law. If we are going to permit the President to abolish those functions, which would be a repeal of a legislative act, without any action by Congress, but by reason of the failure of Congress to act, then there is no place in the Constitution where we can find authority for any such procedure, namely, to delegate to the Chief Executive of our Nation the right to repeal laws without any further acts of Congress.

Mr. MURDOCK. Mr. President, I merely reiterate that I consider that the Senator from Michigan has been very sincere in what he has done in connection with this legislation. In fact, he is deadly sincere; and by being deadly sincere in his theory on this matter, in my opinion, he kills any chances of efficient and expeditious reorganization.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. TAFT. I was interested in the Senator's constitutional point. As I understand his position, it is that the President, in acting under this act, is performing an executive function.

Mr. MURDOCK. That is my position.

Mr. TAFT. Let me state what I do not understand. Last year we passed a bill taking the RFC away from the Department of Commerce and setting up the RFC as an independent agency. When we did that, it was a legislative function. As I understand the Senator, he says that after we pass this bill, the taking away of the RFC from the Department of Commerce will become an executive function. I do not understand how the same act can be both an executive function and a legislative function. I wonder whether the Senator will explain that, because in a way it is the basis of his constitutional objection to this particular procedure.

Mr. MURDOCK. My answer is that if the bill delegates fundamental legislative functions, it is absolutely unconstitutional. I take the position that when Congress acts legislatively within the Constitution and canalizes the powers conferred on the President, as we do in this bill, and sets up specific standards under which certain functions by the Executive are to be performed, they become and are executive and administrative functions; and in my opinion Congress can no more constitutionally delegate legislative functions to the President than it can delegate legislative functions to some other executive.

Mr. TAFT. Mr. President, will the Senator further yield?

Mr. MURDOCK. I yield.

Mr. TAFT. I have always supposed that when we gave some body the power to make regulations having the force of law we were delegating legislative functions, and that we could do it only if we prescribed certain standards by which it should be applied, but that a rule-making body in effect is legislating, under our authority, and that we can so delegate it only if we prescribe the standards by which it shall be done.

Mr. MURDOCK. I think the distinction the distinguished Senator fails to make is that where proper legislative standards are set up by the Congress, they remove the legislative aspect of the functions which are performed by the executive department or by some administrative agency.

Mr. TAFT. Mr. President, will the Senator further yield for a moment?

Mr. MURDOCK. I yield.

Mr. TAFT. Of course, the Senator will admit that the moment he has done that, we may pass a law and absolutely nullify his act.

Mr. MURDOCK. Absolutely.

Mr. TAFT. It then again becomes a legislative function.

Mr. MURDOCK. That is true.

Mr. TAFT. It seems to me that functions must be classified according to their nature, not according to the person who is authorized to exercise them.

Mr. MURDOCK. I take the position, and I think decisions of the Supreme Court will support it, that Congress cannot delegate its fundamental legislative functions. But if the Congress by the passage of legislation sets up specific standards and qualifications to control the executive or the administrative agencies of Government in carrying out the will or policy of the Congress, then the functions performed under that legislation are executive, not legislative.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. MURDOCK. I should like to proceed before yielding further.

Mr. DONNELL. I wish to ask the Senator to yield for a question.

Mr. MURDOCK. I shall yield in just a moment.

Mr. DONNELL. Very well.

Mr. MURDOCK. I wish to present my view as I have written it out, and then I wish to support it by presenting an opinion of a former Attorney General which I have here. I have great respect for the opinion and I am sure my Republican colleagues also will have. Then I shall yield to the Senator from Missouri.

I will return to my statement as to the view I took in the committee, which, I hope, is the view of many members of the Judiciary Committee.

One view is that concurrence is required even in the case of a negative action, such as a concurrent resolution disapproving a reorganization plan. It is my humble opinion that, under our Constitution, this view is a correct one. The proponents of this view contend that by this bill Congress is conferring, as a practical necessity, and if there is to be efficient reorganization, extraordinary power on the President, but that such extraordinary power is so well

canalized, and the standards are so well set up and sufficiently specified, that the functions of the President under this legislation are executive functions, and that there is no delegation of legislative power.

I take the position—and I am speaking for no one but myself—that the Congress can no more delegate to the President legislative powers than it can delegate them to some other executive agency or officer. I take the position that if legislative functions are delegated by this bill to the President, the bill, if enacted, would be unconstitutional. It is not my contention that other members of the Judiciary Committee who agree with me that there should be a concurrence of both Houses in any disapproval of the reorganization program, would fully agree with me in my position that there is not and cannot be a delegation of legislative powers under this bill. There may be certain members of the committee who insist on the concurrence of both Houses in a resolution of disapproval, who may take the position that legislative functions are delegated by this proposed bill. But if my position is correct that this bill does not and could not, within the Constitution, delegate legislative power, and that under the bill the functions of the President are wholly executive, the attempt by action which is not legislative to give to either House of Congress—and I challenge any Member of the Senate to show under the Constitution how one House, without the concurrence of the other, can take legislative action—

Mr. TAFT. Mr. President, will the Senator yield?

Mr. MURDOCK. I will yield in just a moment.

Mr. President, I repeat. If my position is correct that this bill does not and could not, within the Constitution, delegate legislative power, and that under the bill the functions of the President are wholly executive, the attempt by action which is not legislation to give to either House of Congress power to disapprove administrative acts, raises a grave question as to the validity of this provision of the bill. The language of the pending bill as I construe it in simple terms, is this: Under both general and specific standards we confer on the Executive extraordinary powers in order to get the reorganization job done, which we all agree is absolutely necessary. And because of that conference of extraordinary powers the Congress sees fit to reserve the right, before the reorganization plan becomes effective, to examine it and even to veto it. But it is my opinion that under the Constitution such a veto power must be a concurrent veto power of both Houses, and not a separate veto power of either House.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. MURDOCK. In support of that contention, if the Senator from Ohio will pardon me, I refer to an opinion of former Attorney General William D. Mitchell, dated January 24, 1933. That was

during the Hoover administration. I read from the opinion in part as follows:

In the act of June 30, 1932, making an appropriation for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes, and with a view to economy in the operation of the Government, the Congress gave authority to the President, by Executive order to consolidate, redistribute, and transfer various Government agencies and functions, and established a general formula for his guidance.

That is what we would do in the pending bill; not only generally, but also, in my opinion, specifically.

By section 407 it was provided that the Executive order should be transmitted to the Congress in session and should not become effective until after the expiration of 60 days from such transmission and that "if either branch of Congress within such 60 calendar days shall pass a resolution disapproving of such Executive order or any part thereof, such Executive order shall become null and void to the extent of such disapproval.

And that is the language of this bill. Either House reserves the right to veto or to disapprove, and having disapproved, the program of reorganization fails.

I continue reading from the Attorney General's opinion:

It must be assumed that the functions of the President under this act were executive in their nature or they could not have been constitutionally conferred upon him, and so there was set up a method by which one House of Congress might disapprove Executive action. No one would question the power of Congress to provide for delay in the execution of such an administrative order, or its power to withdraw the authority to make the order, provided the withdrawal takes the form of legislation. The attempt to give to either House of Congress, by action which is not legislation, power to disapprove administrative acts, raises a grave question as to the validity of the entire provision in the act of June 30, 1932, for Executive reorganization of governmental functions.

The language which I have read is taken from former Attorney General Mitchell's opinion as set forth in volume 37, *Opinions of Attorneys General, 1932 to 1934*, at pages 63 and 64.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. TAFT. Regardless of the question of what we call this action of the President, I do not understand why, if it is an Executive act, it can be disapproved by a concurrent resolution of both Houses, which is not a legislative act, any more than by one House of the Congress. What is the difference?

Mr. MURDOCK. I would say to the Senator from Ohio that his very keen mind raises what in my opinion is an important question. In my opinion, in order to conform absolutely to the Constitution, the concurrent resolution would not be sufficient. Action should be by joint resolution and referred back to the President for his approval. But I assume that the Attorney General, in writing his opinion, took the position that inasmuch as the President of the United States had already approved the reorganization program, it would be useless and unnecessary to resubmit it to

him for his approval, and that a concurrent resolution, which is an expression of both Houses of Congress, would be sufficient.

Mr. TAFT. Does not the logic of the Senator, in plain English, that the committee bill is unconstitutional lead him inevitably to the conclusion that the House bill is also unconstitutional?

Mr. MURDOCK. No. I think not. I do not take the position, without any qualification at all, that the bill is unconstitutional in its present form. I assert to the Senator that it raises a very grave question of unconstitutionality, one which should be avoided if the purposes of the bill can be accomplished by re-writing it in different language.

Mr. TAFT. I wish only to say that I more or less agree with the Senator in his conclusion.

Mr. MURDOCK. I am extremely happy to have the Senator say so.

Mr. TAFT. I would much prefer to have this question submitted in the nature of a joint resolution which would have to be passed by both Houses of Congress, and would then be in the form of legislation. It would be possible to apply the rules so that there could be no filibustering, and the question would be voted on in both Houses as submitted by the President. It seems to me that such procedure would eliminate from the discussion all constitutional questions, as well as afford a much fairer system, and I do not think it would result in killing the reorganization program.

Mr. MURDOCK. The Senator is now suggesting the very situation which we would accomplish if we passed the bill in its present language. In other words, we move up the hill, and direct the President to perform these functions and bring back a reorganization plan. We specify what he may do and what he may not do. Then, after having marched up the hill, we march down again by saying to the President, in effect, "But, Mr. President, we want to maintain the legislative status quo just as it is today, and reserve the right of either House to reject what you do regardless of what the other House may think."

I would say to the Senator, and to the proponents of the Senate language which is now before us, that we would accomplish just as much if we were to send to the President of the United States a highly embossed invitation to go ahead and submit to the Congress some reorganization plans, and, after having been submitted, we would act legislatively on them, and if both Houses should concur we would send them back to him for his approval.

If Senators take the position that that is the way to reorganize the Government and that it can be done in that way, then why are we fussing around with a reorganization bill? Why not send an invitation to the President and say, "Mr. President, we do not like the overlapping, we do not like the duplication, we do not like the tremendous expense of the executive department, and we invite you, Mr. President, to take a look at the thing and then send up a plan. If we do not like it, we will reject it, we will throw it back in your lap, and reorganization will come to naught."

Mr. President, Senators know we are not equipped and do not have the time to give reorganization the attention it needs; they know that it cannot be done within the Congress within any reasonable time, but if they are sincere in wanting reorganization, then let us set up the standards, as we have in this bill, and repose a little confidence in the patriotism, honesty, integrity, and good faith of the Chief Executive of the United States. He was elected, not by one State, not by a group of States, but he was elected to the office of Vice President by the voters of the entire country.

I say, Mr. President, that all the righteousness, all the honesty, all the sincerity, all the patriotism in the United States are not exclusively resident in the Congress of the United States.

Mr. BARKLEY and many other Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield, and if so, to whom?

Mr. MURDOCK. I yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, together with other Members of the Senate, I am compelled to go to another committee meeting at this time. I wish to inquire what the desire of the Senator with reference to procedure in regard to the bill is. I want the Senate to remain in session as long as possible today to consider the bill, and I assume it is not possible to dispose of it today. In that view I wanted to suggest that all Senators who have amendments to offer present them, so that they may be printed and be on the desks of Senators tomorrow. I do hope we may conclude the consideration of the bill tomorrow. What is the Senator's purpose about that?

Mr. MURDOCK. My purpose was to make a very brief opening statement on the bill, which would probably have taken me about 20 minutes, but I am always willing to yield to my distinguished colleagues. I am anxious to complete my statement as quickly as possible, and I have no objection to the Senate recessing at any time the distinguished majority leader may desire.

Mr. BARKLEY. That is entirely in the hands of the Senator from Utah, because I must be absent, and other Senators interested in this matter have to be absent for a while, perhaps for the rest of the day; I do not know. I was just inquiring what we might be able to do by way of having an understanding.

If we cannot conclude consideration of the bill today—and I do not think we can—I urge Senators who have amendments to offer to present them, so that they may be printed and be available tomorrow, and in the meantime let Senators proceed to discuss the bill as long as any Senator desires to do so. I do not wish to hurry a recess, but in view of the fact that I am compelled to be absent for an hour or so, I wondered if we could have a general understanding that the consideration of the bill could not be concluded today.

Mr. MURDOCK. Mr. President, it seems to me that the consideration of the bill cannot be concluded today, and I am extremely pleased to note that much interest is now being exhibited in the

bill. I think it is important, and I think perhaps if Senators having amendments would submit them, so that they could be printed and be ready for reading and examination in the morning, that would expedite the consideration of the bill.

Mr. WHITE. Mr. President, will the Senator from Utah yield?

Mr. MURDOCK. I yield.

Mr. WHITE. I understand that some 8 or 10 amendments have already been submitted and are on the table. What additional suggestions will be made I have no knowledge of. I understand, further, that a number of Senators may wish to discuss either the bill generally or specific amendments. I am very much gratified at the assurance just given that there will be no pressure for a vote this afternoon either on the bill or on amendments.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. DONNELL. I wish to ask a question.

Mr. OVERTON. Mr. President, I must go to a committee meeting, and I should like to know whether any amendments are to be disposed of this afternoon.

Mr. MURDOCK. It seems to me that the probability is that no amendments will be acted on this afternoon.

Mr. OVERTON. I am the author of the pending amendment, and I should like to know.

Mr. REVERCOMB. Mr. President, may I ask a question?

Mr. WHITE. Will the Senator from Utah yield?

The PRESIDING OFFICER. The Senator has yielded to the Senator from Missouri.

Mr. MURDOCK. I did not yield to the Senator from Missouri to yield to other Senators.

Mr. DONNELL. Mr. President, let me ask the Senator from Utah a question.

Mr. MURDOCK. I shall be very happy to answer.

Mr. DONNELL. Mr. President, the question which I desire to ask the Senator from Utah arises from the fact that in my opinion the pending bill does constitute a delegation of legislative power. I have the very greatest respect for the opinion and judgment of the distinguished Senator from Utah, but all of us realize that sometimes different minds conceive subjects differently.

The amendment which I have submitted this afternoon is only a sentence, together with a supplement which is necessary with respect to certain procedure, and it reads:

All or any part of the reorganization specified in the plan shall take effect when, and only when, such reorganization or part thereof respectively shall have been first approved by concurrent resolution passed by both Houses of Congress.

Arising from this amendment and from my interest in the subject, I wish to call to the attention of the Senators certain language appearing in the majority report, which is the only report I have seen from the committee, with respect to the matter of delegation of power. I call attention particularly to the following language on page 3 of the printed report:

In an effort to achieve the practical objectives of reorganization of the executive

branch, this bill provides that part of the legislative power of the Congress shall be delegated to the President, and that the action of the President, taken in the exercise of the legislative power so delegated, shall be the law of the land unless it be set aside by a resolution passed by a majority vote of either House.

I call attention to the further sentence immediately following, where the report says—and I emphasize this language:

Such a delegation of legislative power does not operate to deprive either House of the Congress of its constitutional right to have no change made in the law relating to organization of the Government without the assent of at least a majority of its Members present and voting.

Then I call attention to the next sentence, which reads:

Under this bill either House of the Congress, upon seeing precisely how the President proposes to exercise the general power delegated to him by this bill, will have, in effect, its own independent right to veto the Presidential action; and thus to retain the essential authority vested in it by the Constitution.

I next call attention to the fifth paragraph on page 4, which starts with the words:

In delegating certain legislative power to the President, this bill exempts from the exercise of such power the General Accounting Office and the Comptroller General and certain independent regulatory agencies.

Mr. President, the question which I ask the distinguished Senator is whether or not, in view of his analysis of the law as he comprehends it, he disagrees with the language of the majority report in referring, in these instances to which I have made reference, to the delegation to the President of legislative power of the Congress.

Mr. MURDOCK. I most respectfully do disagree with those statements in the majority report. I prefaced my remarks by calling attention to the fact that I had to oppose, and vigorously oppose, certain amendments which are now incorporated in the Judiciary Committee version of the bill. Of course, the report should reflect, and in my opinion it does reflect, the majority vote and the majority opinion of the Committee on the Judiciary.

Mr. DONNELL. I understand, then, from the distinguished Senator, that there is a difference of opinion among the Members of the majority as to whether there is or is not a delegation of legislative power to the President. Am I correct in that statement?

Mr. MURDOCK. I do not say that there is a divergence of opinion in the majority of the Judiciary Committee, but I say there is a divergence of opinion, and a very emphatic one, I should say, between my views and the views of the majority.

Mr. DONNELL. In other words, as I understand from the very clear exposition the Senator has given, there is no delegation of legislative power, there is simply a setting up of certain standards which the Executive must follow; that the action taken by the Executive is executive action, and consequently there is no delegation of legislative power as the majority report undertakes to recite in the instances to which I have referred. Am I correct?

Mr. MURDOCK. That is correct.

Mr. DONNELL. I thank the Senator.

Mr. MURDOCK. I shall attempt now to state, as nearly as I can, the position taken by the other Members who disagree with me.

The other view is that under the Constitution, no legislation can become law without the approval of both Houses of the Congress. That it is the constitutional right of either House of the Congress to withhold its approval of any proposed legislation, and thereby to cause the legislation to fail. Under this view, the Congress is not delegating to the President its right to legislate—in reading that statement, which is merely my understanding of the majority view, I hope that it will not in anyway be imputed to me—it is merely delegating to the President the exercise of that right in the first instance, and subject to congressional approval. The question, it is argued, is whether the Congress will approve a reorganization plan, once it has been transmitted; and proponents of this view contend that the issue of granting or withholding approval is not changed by the fact that the bill provides for a negative form of resolution with respect to reorganization plans. If the bill provided for a resolution in affirmative form, with respect to reorganization plans, it seems clear that the concurrence of both Houses in the resolution would be required. Therefore, say the proponents of this view, if either House elects to withhold its approval of a plan, the form in which that election is recorded makes no difference in the final result; and neither House should be deprived of its constitutional right to require that any legislation shall have its concurrence in order to become effective.

That is a statement, if I may address myself to the distinguished Senator from Missouri, of the position of the majority of the Committee on the Judiciary that either House should have the right of veto, instead of the position I take that there should be a concurrence of both Houses in the veto.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. DONNELL. I may say that there is no difference of opinion between the distinguished Senator and myself as to the proposition that the action, whatever action is to be taken by Congress, should be taken by both Houses. The difference between us, I take it, is that in my judgment affirmative action must first be taken by the Houses of Congress in order to create the legislation validly, and that the mere use of the power of veto does not validify the action of this bill in delegation, as I see it, of legislative power.

Mr. MURDOCK. I thank the Senator. The first view expressed, which favors the requirement for disapproval of a reorganization plan, if at all, by concurrent resolution of the two Houses, is apparently supported by an opinion of Attorney General Mitchell, given early in 1933—I have already read an excerpt from that opinion—which suggested that granting to either House of Congress "by action which is not legislation, the power to disapprove administrative acts, raises a

grave question as to the validity of this entire provision of the act."

The gist of the Attorney General's argument, in that opinion, clearly was that there is no authority whereby either House, acting alone, can take what amounts to legislative action.

Answering this argument, proponents of the opposite view point out that the power exercised by the President under a reorganization act is not basically administrative, but is rather an exercise of a delegated legislative power; that this power cannot constitutionally be fully exercised without the approval of the Congress, and that, as Attorney General Mitchell pointed out, there is no authority whereby either House, acting alone, can take what amounts to legislative action. If a reorganization act requires a concurrent resolution to render a reorganization plan operative, one House of the Congress can, by its own action, and without regard to the action of the other House, in effect approve a reorganization plan and put it into operation. The fact that the action by which a single House registers its approval of a plan is negative in form, and is technically a refusal to disapprove, is immaterial, according to this view. The fact remains that such action, by one House, would render action by the other House wholly unnecessary; or, assuming one House had disapproved a plan, the other House, by withholding its disapproval, and thereby tacitly approving the plan, could make it effective in spite of the expressed will to the contrary of the other House.

It is this later view which was taken by the majority of the Judiciary Committee. The bill as reported to the Senate thereby provides that a reorganization plan shall become effective 60 days after its transmission to the Congress, provided that during such 60-day period neither House passes a resolution disapproving the plan.

Another important question considered by the Judiciary committee was whether it is proper for the Congress to be required to take all of a reorganization plan or nothing; or whether some means might be worked out for amendment of a plan. The committee's solution to this problem is a provision permitting either House of the Congress, by resolution, to suggest specific changes in any plan transmitted. In the event of such a resolution, the running of the 60-day period would be stayed until the President had replied. If he adopted the suggestion, and retransmitted the plan with a change or changes, the 60-day period would start anew. If the President reaffirmed his original position, the running of the 60-day period would resume.

Under this provision, a means is afforded for crystalizing the issue with respect to any particular portion of a reorganization plan which one House of the Congress may disapprove. Opportunity is given to the President to remove the objection by changing the plan, and thus avoid jeopardizing the other provisions of the plan. On the other hand, an opportunity is thus afforded the President to defend the specific provision attacked in the resolution, and cite his reasons why that provision should be

approved, if that is his view. Since direct congressional amendment of a reorganization plan is clearly infeasible, because of the very complexity of such a plan, the committee believes that this provision goes as far as it is practicable to go in preserving the prerogative of the Congress to guide Government reorganization.

On the question of exemptions from the reorganization power which this bill would delegate to the President, there was some division of opinion within the committee. The exemptions now contained in the bill do not represent either an expansion or a contraction of the exemptions voted by the House of Representatives. The list of exemptions in the Senate bill was built up in the committee by the process of voting separately on each exemption which any member of the committee wished to proopse.

Realizing that it could not forecast exactly what exemptions may be in this bill when it eventually becomes law, the committee was much concerned with the problem of protecting quasi-judicial agencies from any type of reorganization which would divest them of their quasi-judicial powers, or hamper the free and independent exercise of those powers. The committee therefore worked out the provision found in subsection (h) of section 2, on page 11 of the bill, which provides that no reorganization plan shall provide for or have the effect of divesting any quasi-judicial agency of the means, right, or power to exercise independent judgment and discretion, to the full extent authorized by law, in the performance and effectuation of its quasi-judicial, investigative, or rule-making functions. It is clear that even if every exemption now contained in the bill should be wiped out, the subsection I have just read would still provide a substantial measure of protection for the quasi-judicial functions and powers which Congress has by law delegated to agencies in the executive branch, and which should, in accordance with the wishes of the Congress, continue to be exercised independently and free from prejudice or pressure.

Still another important question before the committee was whether the President should be given the power, under a reorganization plan, to abolish functions. Despite the importance of this question, it gave the committee very little trouble. One of the purposes of this bill is to effect economy in the executive branch of the Government. Substantial economies cannot be brought about unless the power to abolish functions is granted. Every Senator is familiar with the way in which functions of defunct agencies pop up at the next appropriation hearings, in another agency. We have seen it time after time. It does no good to abolish an agency or a bureau or a section if its functions are merely transferred somewhere else and remain a charge upon the Federal Treasury, and a basis for appropriations estimates. In the interests of doing a good job, the committee has therefore included in this bill the authority to abolish functions under a reorganization plan.

The bill prohibits establishment of any new executive department under a re-

organization plan, or changing the name of any executive department, or creating any new cabinet position, or merging any two or more executive departments. The reason for this provision is the view of the committee that any such change is of so great an importance that it should be made, if at all, by affirmative act of the Congress.

In order to make a reorganization plan workable, it is necessary that authority should be granted for providing, under the plan, for the appointment, compensation, and duties of various officers of the Government. The committee was anxious that this necessary grant of power should not be used for political or patronage purposes. Accordingly, the committee has written into the bill a proviso under which no person may be appointed to any office under a reorganization plan for a fixed term in excess of 4 years without confirmation by the Senate; and under which no person who either receives compensation in excess of \$5,000 per year, or who is a policy maker, can be appointed without Senate confirmation unless he is appointed within the classified civil service.

It should be made clear and emphasized that this is not a patronage grab provision. The purpose of this provision is not to give the Senate any increased measure of control over the appointments in question, but rather to induce the promotion to newly created jobs of qualified persons within classified Civil Service. Provisions somewhat similar to this have in the past been proposed or adopted as riders on appropriations bills or other measures; but those provisions required Senate confirmation without regard to whether the appointee was a civil service career man. The effect of those provisions was, clearly, to give the Senate patronage control. The provision which the committee has written into this bill simply says, in effect: "A reorganization plan should not create new jobs for patronage purposes. Therefore, so long as appointments and promotions are made within the classified civil service, they will not be subject to congressional review. However, if the executive elects to make appointments to such newly created jobs without regard to the civil service, then those appointments, so far as they concern policy makers or persons to receive compensation in excess of \$5,000 per year, must come to the Senate for confirmation." To put it still another way, the bill does not make any new jobs political appointments; but it does require that if the executive desires to make political appointments, they shall come to the Senate for confirmation just like any other political appointments. This provision is intended to operate, and should operate, to encourage appointments and promotions within the classified civil service.

The committee has written into the bill a provision that no reorganization plan shall fix the compensation of any person at more than \$10,000 per year. It was the view of the committee that if any job is to be created at a salary greater than the compensation of members of the Congress, it should be done by act of Congress and not by a reorganization plan.

The committee considered at length the question of whether the reorganization authority granted by this bill should be permanent authority, or should be limited in time. The House bill, which was before the committee, provided for termination of the reorganization authority on June 30, 1948. The bill as reported to the Senate provides for termination of this authority July 1, 1947. It should be pointed out to the Senate that in his reorganization message, the President asked that the authority be granted on a permanent basis. It was the view of the committee that a provision for such a permanent grant of authority might very well jeopardize the chances for approval of the bill, because of a natural reluctance by the Congress to confer authority of such a large extent upon some future President. It was the view of the committee that the authority granted by the present bill should be limited well within the term of the present chief executive; and that future Presidents, if they desire similar authority, should come to Congress with a request for reenactment of reorganization legislation.

Those are the major issues comprehended in this bill. We are all agreed as to the need for reorganization of the executive branch of the government. We are all substantially in agreement that the Congress cannot do the whole job. This bill provides a means whereby the job can be done.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Louisiana [Mr. OVERTON].

Mr. HATCH. Mr. President, I do not care to speak at this time. It occurred to me that there had been a practical understanding that no action would be taken on any amendments this afternoon. Very few Senators are present. I think the Senator from Utah has ably discussed the main features of the bill from the standpoint of the committee. Probably debate on the amendments as they are offered will develop more fully some of the questions which he has mentioned. I wonder whether it might not be well to take a recess at this time until tomorrow.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. MURDOCK. I think there was an understanding—and it is thoroughly agreeable to me—that the bill might go over until tomorrow if there were no further discussion this afternoon, and that no amendments would be voted on this afternoon. I have no objection to such an arrangement.

Mr. HATCH. Very well.

DISPOSITION OF ACCUMULATIONS OF STRATEGIC AND CRITICAL MATERIALS—CORRECTION

Mr. MURDOCK. Mr. President, on behalf of the distinguished senior Senator from Nevada [Mr. McCARRAN], I ask unanimous consent that there be printed in the RECORD an explanation of certain figures which he inserted in the RECORD on October 26 in connection with the introduction of his bill to regulate the disposition of accumulations of strategic and critical materials, and that the CONGRESSIONAL RECORD of October 26, which

contains a statement by the Senator from Nevada, be corrected for the permanent RECORD.

The PRESIDING OFFICER. The RECORD will be corrected accordingly.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Senator PAT McCARRAN today stated that certain figures which he inserted in the CONGRESSIONAL RECORD on October 26, in connection with the introduction of his bill to "freeze" all Government-owned accumulations of strategic and critical materials, had been challenged. According to the Senator, these figures were obtained from the Senate Committee on Small Business, but a further check with all known sources available to the Metals Reserve Company indicated that the Senate Small Business Committee had included other factors, and that there is a discrepancy between the figures used by the Senator and the amounts actually owned by the Metals Reserve Company.

Senator McCARRAN has therefore today issued the following corrected list:

As of September 30, 1945, the Metals Reserve Company had accumulations of tungsten, copper, lead, and zinc, as follows:

Tungsten (contained WO ₃)	
(pounds)-----	19,693,997
Copper (short tons)-----	508,726
Lead (short tons)-----	82,335
Zinc (short tons)-----	571,167

EXECUTIVE SESSION

Mr. MURDOCK. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. TAYLOR in the chair) laid before the Senate messages from the President of the United States, which were referred to the appropriate committees.

(For nominations this day received and nomination withdrawn, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. WALSH, from the Committee on Naval Affairs:

Sundry officers for appointment in the Navy, for temporary service;

Sundry officers for appointment in the Naval Reserve; and

Sundry officers of the line of the Navy to be paymasters in the Navy, with the rank of ensign.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

THE NAVY

The Chief Clerk read the nomination of Ben Moreell to be civil engineer in the Navy, with the rank of vice admiral, for temporary service, to rank from February 1, 1944.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

Without objection, the President will be immediately notified of all nominations confirmed this day.

That completes the Executive Calendar.

RECESS

Mr. MURDOCK. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 3 o'clock and 32 minutes p. m.) the Senate took a recess until tomorrow, Friday, November 2, 1945, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate November 1 (legislative day of October 29), 1945:

EXPORT-IMPORT BANK OF WASHINGTON

William McChesney Martin, Jr., of New York, to be a member of the Board of Directors of the Export-Import Bank of Washington, D. C., for a term expiring June 30, 1950.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 1 (legislative day of October 29), 1945:

IN THE NAVY

APPOINTMENT FOR TEMPORARY SERVICE

Ben Moreell to be a civil engineer in the Navy, with the rank of vice admiral, for temporary service, to rank from February 1, 1944.

POSTMASTERS

ARKANSAS

Clara M. Ketchum, Bonnerdale.
Dixon G. Baker, Humnoke.
Richmond A. Waller, Keo.
Claude Spore, St. Charles.
Dewitt E. Tucker, Tucker.

FLORIDA

Ralph B. Wakeland, Parish.

GEORGIA

Charles O. Carter, Climax.

ILLINOIS

Clyde V. Manny, Ivesdale.
Lewis H. Jenkins, West Liberty.

KANSAS

Eugene R. Jones, Liberal.
Claude F. Averill, Rantoul.

KENTUCKY

Laura M. Mathews, Petersburg.
Harris A. Stancil, Wheelwright.

MARYLAND

Josephine Warrenfeltz, Breathedsville.
Edith S. Wright, Elk Mills.
Robert D. Sewell, Hydes.
Kathryn M. Hurlock, Kennedyville.
Evelyn C. Mast, Loch Raven.
Allie J. Twiford, Marbury.
Alice T. Walter, Nanticoke.
Irma Esham Bowen, Newark.
Mahlon McKinley Poe, Texas.
Ethel B. Spilman, Washington Grove.

NEBRASKA

Raymond A. Walker, Clatonia.
Mae Slater, Hordville.

NORTH DAKOTA

Edward P. Kulseth, Gardner.
George W. Skinner, Grandin.

WITHDRAWAL

Executive nomination withdrawn from the Senate November 1 (legislative day of October 29), 1945:

POSTMASTER

Mrs. Lucrecia H. Morrison to be postmaster at King of Prussia, in the State of Pennsylvania.

House of Representatives

THURSDAY, NOVEMBER 1, 1945

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

The eyes of the Lord are over the righteous and His ears are open unto their prayers. The face of the Lord is against them that do evil.

Eternal and ever-present God, before whose eyes the darkness becomes as the day, cleanse our hearts from every evil affection; with godly fear and humble trust, we would come to Thee, claiming all that is conveyed in the wondrous name "Our Father." Let this dear and ever dearer truth help us to see Thee in the cloud and in the clod, in the lustrous noontide and in the cool of the evening, and, above all, in human men as brothers.

In these moving days, we commend to Thee our country, our President, our Speaker, and the Congress; in all our various duties and spheres of service, grant that our motives may be one. As we face the stark responsibility of victory, grant that whatever we do may be in utter conformity to Thy will and to the blessed ideals of a Republic which is the inspiration of liberty-loving people in all the earth. Through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. KUNKEL asked and was given permission to extend his remarks in the RECORD and include a letter printed in the Stars and Stripes.

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in the RECORD and include several letters and several newspaper excerpts.

DEMOBILIZATION OF THE ARMED FORCES

Mr. SHAFER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SHAFER. Mr. Speaker, I am today filing a petition to discharge the Committee on Military Affairs from further consideration of H. R. 4013, a bill providing for the discharge on request of all inducted men who have had honorable service of 2 years in the armed services. The petition is No. 7.

H. R. 4013, Mr. Speaker, makes mandatory announced plans of the War Department to discharge men with 2 years of service. At the same time it extends the same program to other branches of the armed forces. What is good for the Army should be good for the Navy. Pas-

sage of this legislation will insure fair treatment in respect to discharges to every man, regardless of where he served. It will bring new hope to veterans with long service who are being retained in service in spite of promises that have been made by the War Department that they would be released.

Members of Congress who want to give more than lip service to the soldiers and sailors of World War II should sign petition No. 7.

THE LATE HONORABLE JOSEPH A. MCGINNIS

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REED of New York. Mr. Speaker, I learned this morning with profound sorrow of the death of a very distinguished and able legislator of my State. I refer to Hon. Joseph A. McGinnis, of Ripley, N. Y. He served as speaker of the Assembly of the State of New York with great distinction for a long period of time. He was loved and respected by everybody in western New York. I know of no man in public life who has such a host of friends throughout the country as my dear friend Hon. Joseph A. McGinnis.

(Mr. REED of New York asked and was given permission to revise and extend his remarks.)

EXTENSION OF REMARKS

Mr. HOEVEN asked and was given permission to extend his own remarks and include a newspaper article.

Mr. SUNDSTROM asked and was given permission to extend his remarks in the Appendix of the RECORD and include an article entitled "Air Lines Public Relations Faces the Future," by Thomas J. Deegan.

PERMISSION TO ADDRESS THE HOUSE

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent that, after the disposition of business on the Speaker's desk and the conclusion of special orders heretofore entered, I may address the House for 5 minutes today.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

CONSUMER SUBSIDY ON BUTTER

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, revise and extend my remarks, and include a statement from the OPA on the change in the price of butter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

[Mr. AUGUST H. ANDRESEN addressed the House. His remarks will appear hereafter in the Appendix.]

EXTENSION OF REMARKS

Mr. BLOOM asked and was given permission to extend his remarks in the RECORD in two instances, in one to include an article by David Lawrence and in the other an article by Hon. Sumner Welles.

Mr. LANE asked and was given permission to extend his remarks in the Appendix of the RECORD and include therein a very interesting editorial which appeared in last Sunday's Boston Post.

THE OFFICE OF PRICE ADMINISTRATION

Mr. LARCADE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

[Mr. LARCADE addressed the House. His remarks appear in the Appendix of today's RECORD.]

EXTENSION OF REMARKS

Mr. CELLER asked and was given permission to extend his own remarks in the RECORD by inserting two statements.

Mr. GATHINGS asked and was given permission to extend his own remarks in the RECORD and to include a speech delivered by Maj. Gen. L. R. Groves, officer in charge of the atomic-bomb project, and also to extend his remarks in another instance and include an editorial from the Arkansas Democrat.

UNIFORM SYSTEM OF BANKRUPTCY

Mr. HOBBS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 3429) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SPRINGER. Reserving the right to object, Mr. Speaker, and I do not intend to object, because I am entirely familiar with the bill, because it came through the Subcommittee on Bankruptcy of the Committee on the Judiciary, and that entire committee has given much study to this proposed legislation. I am in full accord with this measure. However, I would like for the distinguished gentleman from Alabama to explain the bill so other Members may know about it.

S. 1120

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1 (legislative day, OCTOBER 29), 1945

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. DONNELL to the bill (S. 1120)
to provide for the reorganization of Government agencies,
and for other purposes, viz:

1 On page 14, line 23, and following, strike out subsection
2 “4 (a)” and substitute therefor a subsection to read as
3 follows:

4 “All or any part of the reorganization specified in the
5 plan shall take effect when, and only when, such reorganiza-
6 tion or part thereof respectively shall have been first approved
7 by concurrent resolution passed by both Houses of Congress.”

8 On page 18, strike out the title which reads “TITLE
9 II”, and strike out sections 201, 202, 203, 204, 205, and
10 206 which appear on pages 18, 19, 20, and 21.

AMENDMENTS

Intended to be proposed by Mr. DONNELL to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

NOVEMBER 1 (legislative day, OCTOBER 29), 1945

Ordered to lie on the table and to be printed

S. 1120

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1 (legislative day, OCTOBER 29), 1945

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. REVERCOMB to the bill (S. 1120)
to provide for the reorganization of Government agencies,
and for other purposes, viz:

- 1 On page 15, line 1, strike out “transmitted to the Con-
- 2 gress” and insert in lieu thereof “last placed on the calendar
- 3 of either House of the Congress for consideration for
- 4 passage”.

AMENDMENT

Intended to be proposed by Mr. REVERCOMB to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

NOVEMBER 1 (legislative day, OCTOBER 20), 1945
Ordered to lie on the table and to be printed

S. 1120

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1 (legislative day, OCTOBER 29), 1945

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. TAFT to the bill (S. 1120)
to provide for the reorganization of Government agencies,
and for other purposes, viz:

1 On page 13, at the end of line 6, strike out the period,
2 insert a colon, and add: "*Provided*, That no reorganiza-
3 tion plan submitted shall contain any disposition in conflict
4 with any Act of Congress passed after January 1, 1943,
5 dealing expressly with the creation, transfer, consolidation,
6 or coordination of any agency or the distribution or co-
7 ordination of powers or functions between agencies or
8 within any agency."

AMENDMENT

Intended to be proposed by Mr. TART to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

NOVEMBER 1 (legislative day, OCTOBER 29), 1945

Ordered to lie on the table and to be printed

S. 1120

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1 (legislative day, OCTOBER 29), 1945

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. RADCLIFFE (for himself and Mr. EASTLAND) to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes, viz:

- 1 On page 17, line 20, after the comma insert the follow-
- 2 ing: "the United States Maritime Commission,".

AMENDMENT

Intended to be proposed by Mr. RADCLIFFE (for himself and Mr. EASTLAND) to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

NOVEMBER 1 (legislative day, OCTOBER 29), 1945

Ordered to lie on the table and to be printed

S. 1120

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1 (legislative day, OCTOBER 29), 1945

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. FERGUSON to the bill (S. 1120)
to provide for the reorganization of Government agencies,
and for other purposes, viz:

- 1 On page 18, beginning with line 10, strike out all
- 2 down to and including line 12.

11-1-45—G

AMENDMENT

Intended to be proposed by Mr. FERGUSON to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

NOVEMBER 1 (legislative day, OCTOBER 29), 1945

Ordered to lie on the table and to be printed

79TH CONGRESS
1ST SESSION

S. 1120

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1 (legislative day, OCTOBER 29), 1945

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. FERGUSON (for himself and Mr. SMITH) to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes, viz: Beginning on page 19, line 15, strike out all down to the end of the bill and insert in lieu thereof the following:

- 1 SEC. 203. A resolution with respect to a reorganization
- 2 plan shall be referred to a committee (and all resolutions
- 3 with respect to the same plan shall be referred to the
- 4 same committee) by the President of the Senate or the
- 5 Speaker of the House of Representatives, as the case may
- 6 be. The committee shall have ten days in which to con-
- 7 sider and report out the resolution. If the resolution is not

1 reported out by the committee within such ten days, the
2 committee shall be deemed to have been discharged from
3 the further consideration of the resolution. On the eleventh
4 day after the referral to the committee of the resolution, it
5 shall become the special order with precedence over any
6 unfinished business. Not later than one hour after the
7 House in which such resolution is pending meets on the
8 first day on which it meets following the nineteenth day
9 (Sundays excepted) after the day on which the resolution
10 was introduced, a vote shall be taken in that House on
11 the question of the adoption of the resolution. The reso-
12 lution shall be debatable up to the time specified above for
13 the taking of the vote. No notice or motion to reconsider
14 any vote upon the resolution shall be in order. The pro-
15 cedure provided by this section shall not be applicable with
16 respect to a second resolution relating to the same reorgani-
17 zation plan. In any case in which two or more resolutions
18 with respect to the same reorganization plan are introduced
19 in the same House on the same day, only one resolution
20 with respect to such reorganization plan shall be deemed to
21 have been introduced in that House on that day and such
22 one resolution shall be considered to have been introduced
23 jointly by the sponsors of the separate resolutions relating
24 to such reorganization plan.

25 SEC. 204. All appeals from the decisions of the chair

1 relating to the application of the rules of the Senate or
2 the House of Representatives, as the case may be, to the
3 procedure relating to a resolution with respect to a reor-
4 ganization plan shall be decided without debate.

AMENDMENT

Intended to be proposed by Mr. FERGUSON (for himself and Mr. SMITH) to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

NOVEMBER 1 (legislative day, October 29), 1945

Ordered to lie on the table and to be printed

S. 1120

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1 (legislative day, OCTOBER 29), 1945

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. CORDON to the bill (S. 1120)
to provide for the reorganization of Government agencies,
and for other purposes, viz:

1 On page 19, line 10, preceding the word "the" insert
2 the following: "or is as follows: 'That the ———— refers
3 the reorganization plan numbered ——— transmitted to Con-
4 gress by the President on ——— 19—, back to the
5 President with a request for the following specific changes
6 in said reorganization plan, to wit: ———' "

AMENDMENT

Intended to be proposed by Mr. Cordon to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

NOVEMBER 1 (legislative day, October 29), 1945
Ordered to lie on the table and to be printed

S. 1120

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1 (legislative day, OCTOBER 29), 1945

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. BYRD to the bill (S. 1120)
to provide for the reorganization of Government agencies,
and for other purposes, viz:

1 On page 15, line 14, before the period insert a colon
2 and the following: "*Provided further*, That the running of
3 the sixty-day period with respect to any plan which is deemed
4 to be a new reorganization plan under the foregoing proviso
5 shall not be stayed by reason of the adoption by the House
6 of Congress, which referred the predecessor of such plan
7 back to the President with a request for specific changes,
8 of a resolution referring such new reorganization plan back
9 to the President with a request for specific changes".

AMENDMENT

Intended to be proposed by Mr. BYRD to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

NOVEMBER 1 (legislative day, OCTOBER 29), 1945
Ordered to lie on the table and to be printed

S. 1120

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1 (legislative day, OCTOBER 29), 1945

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. BYRD to the bill (S. 1120)
to provide for the reorganization of Government agencies,
and for other purposes, viz:

- 1 On page 15, line 24, after the words "July 1" strike
- 2 out "1947" and insert in lieu thereof "1948".

11-1-45—C

AMENDMENT

Intended to be proposed by Mr. BYRD to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

NOVEMBER 1 (legislative day, OCTOBER 29), 1945
Ordered to lie on the table and to be printed

79TH CONGRESS
1ST SESSION

S. 1120

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1 (legislative day, OCTOBER 29), 1945

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. BYRD to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes, viz:

- 1 On page 11, strike out lines 21 to 25, inclusive.

11-1-45—A

AMENDMENT

Intended to be proposed by Mr. BYRD to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

NOVEMBER 1 (Legislative day, OCTOBER 29), 1945

Ordered to lie on the table and to be printed

79TH CONGRESS
1ST SESSION

S. 1120

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1 (legislative day, OCTOBER 29), 1945

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. BYRD to the bill (S. 1120)
to provide for the reorganization of Government agencies,
and for other purposes, viz:

1 On page 14, beginning with line 23, strike out all down
2 to and including line 14 on page 15 and insert in lieu thereof
3 the following:

4 “SEC. 4. (a) The reorganizations specified in the plan
5 shall take effect in accordance with the plan—

6 “(1) upon the expiration of sixty calendar days
7 after the date on which the plan is transmitted to the
8 Congress, but only if during such sixty-day period there
9 has not been passed by the two Houses a concurrent

1 resolution stating in substance that the Congress does
2 not favor the reorganization plan;

3 “(2) if the Congress adjourns sine die before the
4 expiration of the sixty-day period, a new sixty-day
5 period shall begin on the opening day of the next suc-
6 ceeding regular or special session. A similar rule shall
7 be applicable in the case of subsequent adjournments
8 sine die before the expiration of sixty days.”

9 On page 19, beginning with line 4, strike out through
10 line 14 and insert in lieu thereof the following:

11 “SEC. 202. As used in this title, the term ‘resolution’
12 means only a concurrent resolution of the two Houses of
13 Congress, the matter after the resolving clause of which is
14 as follows: ‘That the Congress does not favor the reorgan-
15 ization plan numbered transmitted to Congress by the
16 President on , 19 .’, the blank spaces there-
17 in being appropriately filled; and does not include a con-
18 current resolution which specifies more than one reorgan-
19 ization plan.”

20 On page 21, at the end of the bill, insert the following
21 new section:

22 “SEC. 207. If, prior to the passage by one House of a
23 resolution of that House with respect to a reorganization
24 plan, such House receives from the other House a resolu-
25 tion with respect to the same plan, then—

1 “(a) If no resolution of the first House with respect to
2 such plan has been referred to committee, no other resolution
3 with respect to the same plan may be reported or (despite
4 the provisions of section 204 (a)) be made the subject of a
5 motion to discharge.

6 “(b) If a resolution of the first House with respect to
7 such plan has been referred to committee—

8 “(1) the procedure with respect to that or other
9 resolutions of such House with respect to such plan which
10 have been referred to committee shall be the same as if
11 no resolution from the other House with respect to such
12 plan had been received; but

13 “(2) on any vote on final passage of a resolution of
14 the first House with respect to such plan the resolution
15 from the other House with respect to such plan shall be
16 automatically substituted for the resolution of the first
17 House.”

AMENDMENTS

Intended to be proposed by Mr. BYRD to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

NOVEMBER 1 (legislative day, October 29), 1945
Ordered to lie on the table and to be printed

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued November 5, 1945, for actions of Friday, November 2, 1945)

(For staff of the Department only)

CONTENTS

Adjournment.....	4	Government reorganization.....	1	Personnel.....	5
Administrative expenses.....	2	Machinery, farm.....	6	Reconversion.....	6
Flood control.....	1	Manpower.....	6	Research.....	3
Food processing.....	6	Nomination.....	3	Rubber.....	6

SENATE

1. GOVERNMENT REORGANIZATION. Continued debate on S. 1120, the Government reorganization bill (pp. 10482, 10484-6, 10488-91). Agreed, 36-18, to an Overton amendment to exempt the civil functions of the Corps of Engineers (flood control) (pp. 10484-6, 10488-90).
2. ADMINISTRATIVE EXPENSES. Received proposed legislation from the Budget Bureau "to authorize certain administrative expenses in the Government service." To Expenditures in the Executive Departments Committee. (p. 10479.) It is understood that the draft includes provisions making permanent various provisions heretofore carried in the Independent Offices Appropriation Act on an annual basis.
3. NOMINATION. Confirmed the nomination of Edward U. Condon to be Director of the Bureau of Standards (p. 10480).
4. ADJOURNED until Tues., Nov. 6 (p. 10515). Majority Leader Barkley announced that the Senate is expected to adjourn from Tues. until Thurs. (p. 10515).

HOUSE

NOT IN SESSION. Next meeting Mon., Nov. 5.

BILL INTRODUCED

5. LEAVE. S. 1552, by Sen. Fulbright, Ark., to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave. To Military Affairs Committee. (p. 10482.)

ITEM IN APPENDIX

6. RECONVERSION PROBLEMS. Sen. Wiley, Wis., inserted his address, including a letter to the War Mobilization Director, on reconversion problems, including those of manpower shortages, need for farm machinery, food-processing machinery, and rubber for tires (pp. A5010-2).

COMMITTEE HEARINGS Nov. 5: S. Civil Service, pay bill; S. Agriculture, surplus-commodities disposal; H. Appropriations, deficiency (ex.); H. Expenditures, full-employment bill; H. Labor, minimum-wage bills.

The agreement, with an accompanying paper, is as follows:

AGREEMENT ON PETROLEUM BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

PREAMBLE

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland, whose nationals hold, to a substantial extent jointly, rights to explore and develop petroleum resources in other countries, recognize:—

1. That ample supplies of petroleum, available in international trade to meet increasing market demands, are essential for both the security and economic well-being of nations;

2. That for the foreseeable future the petroleum resources of the world are adequate to assure the availability of such supplies;

3. That the prosperity and security of all nations require the efficient and orderly development of the international petroleum trade;

4. That the orderly development of the international petroleum trade can best be promoted by international agreement among all countries interested in the petroleum trade, whether as producers or consumers.

The two Governments have therefore decided, as a preliminary measure to the calling of an international conference to consider the negotiation of a multilateral petroleum agreement, to conclude the following Agreement.

ARTICLE I

The signatory Governments agree that the international petroleum trade in all its aspects should be conducted in an orderly manner on a world-wide basis with due regard to the considerations set forth in the Preamble, and within the framework of applicable laws and concession contracts. To this end and subject always to considerations of military security and to the provisions of such arrangements for the preservation of peace and prevention of aggression as may be in force the signatory Governments affirm the following general principles with respect to the international petroleum trade:

(a) That adequate supplies of petroleum, which shall in this Agreement mean crude petroleum and its derivatives, should be accessible in international trade to the nationals of all countries on a competitive and nondiscriminatory basis;

(b) That, in making supplies of petroleum thus accessible in international trade, the interests of producing countries should be safeguarded with a view to their economic advancement.

ARTICLE II

In furtherance of the purposes of this Agreement, the signatory Governments will so direct their efforts:

(a) That all valid concession contracts and lawfully acquired rights shall be respected, and that there shall be no interference directly or indirectly with such contracts or rights;

(b) that with regard to the acquisition of exploration and development rights the principle of equal opportunity shall be respected;

(c) that the exploration for and development of petroleum resources, the construction and operation of refineries and other facilities, and the distribution of petroleum, shall not be hampered by restrictions inconsistent with the purposes of this Agreement.

ARTICLE III

1. With a view to the wider adoption of the principles embodied in this Agreement, the signatory Governments agree that as soon as practicable they will propose to the governments of all interested producing and

consuming countries the negotiation of an International Petroleum Agreement, which *inter alia* would establish a permanent International Petroleum Council.

2. To this end the signatory Governments agree to formulate at an early date plans for an international conference to negotiate such a multilateral petroleum agreement. They will consult together and with other interested governments with a view to taking whatever action is necessary to prepare for the proposed conference.

ARTICLE IV

1. Numerous problems of joint immediate interest to the signatory Governments with respect to the international petroleum trade should be discussed and resolved on a co-operative interim basis if the general petroleum supply situation is not to deteriorate.

2. With this end in view, the signatory Governments agree to establish an International Petroleum Commission to be composed of six members, three members to be appointed immediately by each Government. To enable the Commission to maintain close contact with the operations of the petroleum industry, the signatory Governments will facilitate full and adequate consultation with their nationals engaged in the petroleum industry.

3. In furtherance of and in accordance with the purposes of this Agreement, the Commission shall consider problems of mutual interest to the signatory Governments and their nationals, and with a view to the equitable disposition of such problems it shall be charged with the following duties and responsibilities:

(a) To study the problems of the international petroleum trade caused by dislocations resulting from war;

(b) To study past and current trends in the international petroleum trade;

(c) To study the effects of changing technology upon the international petroleum trade;

(d) To prepare periodic estimates of world demands for petroleum and of the supplies available for meeting the demands, and to report as to means by which such demands and supplies may be correlated so as to further the efficient and orderly conduct of the international petroleum trade;

(e) To make such additional reports as may be appropriate for achieving the purposes of this Agreement and for the broader general understanding of the problems of the international petroleum trade.

4. The Commission shall have power to regulate its procedure and shall establish such organization as may be necessary to carry out its functions under this Agreement. The expenses of the Commission shall be shared equally by the signatory Governments.

ARTICLE V

The signatory Governments agree:

(a) That they will seek to obtain the collaboration of the governments of other producing and consuming countries for the realization of the purposes of this Agreement, and to consult with such governments in connection with activities of the Commission;

(b) That they will assist in making available to the Commission such information as may be required for the discharge of its functions.

ARTICLE VI

The signatory Governments agree:

(a) That the reports of the Commission shall be published unless in any particular case either Government decides otherwise;

(b) That no provision in this Agreement shall be construed to require either Government to act upon any report or proposal made by the Commission, or to require the nationals of either Government to comply with any report or proposal made by the Commis-

sion, whether or not the report or proposal is approved by that Government.

ARTICLE VII

The signatory Governments agree:

(a) That the general purpose of this Agreement is to facilitate the orderly development of the international petroleum trade, and that no provision in this Agreement, with the exception of Article II, is to be construed as applying to the operation of the domestic petroleum industry within the country of either Government;

(b) That nothing in this Agreement shall be construed as impairing or modifying any law or regulation, or the right to enact any law or regulation, relating to the importation of petroleum into the country of either Government;

(c) That, for the purposes of this Article, the word "country" shall mean

(i) in relation to the Government of the United Kingdom of Great Britain and Northern Ireland, the United Kingdom, those British colonies, overseas territories, protectorates, protected states, and all mandated territories administered by that Government and

(ii) in relation to the Government of the United States of America, the continental United States and all territory under the jurisdiction of the United States,

lists of which, as of the date of this Agreement, have been exchanged.

ARTICLE VIII

This Agreement shall enter into force upon a date to be agreed upon after each Government shall have notified the other of its readiness to bring the Agreement into force and shall continue in force until three months after notice of termination has been given by either Government or until it is superseded by the International Petroleum Agreement contemplated in Article III.

In witness whereof the undersigned, duly authorised thereto, have signed this Agreement.

Done in London, in duplicate, this twenty-fourth day of September, one thousand nine hundred and forty five.

For the Government of the United States of America:

HAROLD L. ICKES.

For the Government of the United Kingdom of Great Britain and Northern Ireland:
EMANUEL SHINWELL.

LIST OF TERRITORIES TO WHICH THE AGREEMENT ON PETROLEUM BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND APPLIES

As indicated in Article VII (c) of the agreement on petroleum between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland, signed in London September 24, 1945, lists were exchanged as of the date of the agreement, of the territories of each of the two Governments to which the agreement is to apply. The territories named in those lists are as follows:

1. Of the United States of America:—

The continental United States

Alaska

Hawaii

Puerto Rico

Virgin Islands

Panama Canal Zone

2. Of the United Kingdom of Great Britain and Northern Ireland:—

The United Kingdom

Aden

Bahamas

Barbados

Basutoland

Bechuanaland Protectorate

Bermuda

British Guiana

British Honduras

British Solomon Islands Protectorate

Ceylon
Cyprus
Falkland Islands and Dependencies
Fiji
Gambia (Colony and Protectorate)
Gibraltar
Gilbert and Ellice Islands Colony
Gold Coast—
(a) Colony
(b) Ashanti
(c) Northern Territories
(d) Togoland under British Mandate
Hong Kong
Jamaica (including Turks and Caicos Islands and the Cayman Islands)
Kenya (Colony and Protectorate)
Leeward Islands—
Antigua
Montserrat
St. Christopher and Nevis
Malay States—
(a) Federated Malay States—
Negri Sembilan
Pahang
Perak
Selangor
(b) Unfederated Malay States—
Johore
Kedah
Kelantan
Perlis
Trengganu; and
Brunei
Malta
Mauritius
New Hebrides¹
Nigeria—
(a) Colony
(b) Protectorate
(c) Cameroons under British Mandate
North Borneo, State of
Northern Rhodesia
Nyasaland Protectorate
Palestine (excluding Transjordan)
St. Helena and Dependencies
Sarawak
Seychelles
Sierra Leone (Colony and Protectorate)
Somaland Protectorate
Straits Settlements
Swaziland
Tanganyika Territory
Tonga
Transjordan
Trinidad and Tobago
Uganda Protectorate
Virgin Islands
Windward Islands—
Dominica
Grenada
St. Lucia
St. Vincent
Zanzibar Protectorate.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DOWNEY:

S. 1549. A bill for the relief of Duane N. Thompson, a minor; and

S. 1550. A bill to amend the act of May 2, 1940, entitled "An act for the relief of officers and soldiers of the volunteer service of the United States mustered into service for the war with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899" (54 Stat. 176), by extending the time for filing of claims thereunder; to the Committee on Claims.

(Mr. WHERRY introduced Senate bill 1551, which was referred to the Committee on Military Affairs, and appears under a separate heading.)

¹ The New Hebrides are administered as a British-French condominium.

By Mr. FULBRIGHT:

S. 1552. A bill to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave; to the Committee on Military Affairs.

By Mr. LANGER:

S. 1553. A bill to provide sick and annual leave for war service indefinite substitutes; to the Committee on Post Offices and Post Roads.

By Mr. JOHNSON of Colorado:

S. 1554. A bill to provide for the appointment of additional commissioned officers in the Regular Army, and for other purposes; to the Committee on Military Affairs.

SALE OF GOVERNMENT-OWNED SHOTGUNS TO OFFICERS OF THE ARMED FORCES

Mr. WHERRY. Mr. President, I send to the desk a bill which has to do with selling shotguns that are now owned by the military to others than officers of the armed forces. I ask unanimous consent to introduce the bill and that it be referred to the proper committee.

There being no objection, the bill (S. 1551) relating to the sale of Government-owned shotguns to officers of the Army, Navy, Marine Corps, and Coast Guard, was received, read twice by its title, and referred to the Committee on Military Affairs.

REORGANIZATION OF GOVERNMENT AGENCIES—AMENDMENT

Mr. WILSON submitted an amendment intended to be proposed by him to the bill (S. 1120) to provide for the reorganization of Government agencies and for other purposes, which was ordered to lie on the table and to be printed.

COMPENSATION OF OFFICERS AND EMPLOYEES OF THE GOVERNMENT—AMENDMENT

Mr. LANGER submitted an amendment intended to be proposed by him to the bill (S. 1415) to increase the rates of compensation of officers and employees of the Federal Government, which was referred to the Committee on Civil Service and ordered to be printed.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 266) making an additional appropriation for the United Nations Relief and Rehabilitation Administration, was read twice by its title, and referred to the Committee on Appropriations.

REORGANIZATION OF GOVERNMENT AGENCIES—AMENDMENT

Mr. DONNELL. Mr. President, yesterday I sent to the desk for printing an amendment intended to be proposed by me to Senate bill 1120. The office of the legislative counsel of the United States Senate, at my request, subsequently redrafted the amendment. The amendment as it was redrafted has been reprinted, and I now send it to the desk in its redrafted form.

The PRESIDENT pro tempore. The amendment intended to be proposed by the Senator from Missouri in its redrafted form will lie on the table.

FREEDOM TO WORK

Mr. O'DANIEL. Mr. President, in order to show how at least one more sol-

dier feels about losing his freedom to work while he was in the Army fighting for freedom and liberty, I ask unanimous consent to have inserted in the RECORD an Associated Press article dated November 1.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VETERAN REFUSES TO PAY UNION FEES; REENLISTS

SALT LAKE CITY, November 1.—Myron F. Oliver wasn't "just kidding" when he said he would rather go back into the Army than pay union fees to hold his job.

Mr. Oliver, who was discharged October 12, after 5½ years in the service, reenlisted yesterday as a master sergeant.

He said he had been offered a promotion at the sheet-metal shop where he worked, but was informed he would have to pay a \$50 initiation fee to an A. F. of L. union first. "I objected to earning the job and then paying for it," he said.

"I talked it over with my wife and decided I would rather go back to the Army."

WITNESSES AND RECORDS FOR PEARL HARBOR INVESTIGATION

Mr. O'DANIEL. Mr. President, I ask unanimous consent to have inserted in the RECORD a telegram which I have received from Houston, Tex., signed by several citizens of that city.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

HOUSTON, TEX., November 1, 1945.

Senator W. LEE O'DANIEL,

Washington, D. C.

Telegram to President: "We, the undersigned, make this urgent appeal and respectfully request that you revoke the order that you have signed which provides that witnesses and records for the Pearl Harbor investigation may be summoned only by majority action of the 10-member Senate-House committee. We believe that you wish this committee to be as free and unhampered as the Senate War Investigation Committee, which did such outstanding work under your chairmanship. We feel confident that a full and complete investigation will clear up the situation and silence the rumors and suspicions that have been aroused about Pearl Harbor. We respectfully suggest, therefore, that each individual committee member have the right to call any witness to testify or to call for any document or records to be placed before the committee for examination so that not the slightest doubt can be left in the mind of any American citizen that the investigation was not complete—a thorough one. A copy of this wire is being sent to each member of the committee."

Senator, can you insert above in CONGRESSIONAL RECORD?

Dr. Elva A. Wright, Raymond P. Elledge, Mrs. Ethel Brouslus, H. L. Mills, Mrs. M. L. Gill, Roy L. Arterbury, Mrs. J. D. Kelly, E. M. Biggers, Leona Hagy, Mrs. Hallie Ruth Mosely, Mrs. Ida Ward, Mrs. Roy L. Arterbury, C. M. Redfield, Mrs. Eugene T. Harris, Mrs. Louise Barnett, W. F. Albert, W. N. Michels, Mrs. M. Sperling, M. W. Lee, Mrs. Irene Davis, Frank Gossett, Mrs. W. F. Albert.

REDEMPTION OF GERMAN MARKS PRINTED BY RUSSIA

Mr. WHERRY. Mr. President, on his return from Europe, Mr. John W. Hanes, one-time Under Secretary of the Treasury, reported in the New York Journal-American of September 9, that United States authorities had turned over to the

Russians the plates from which occupation marks are printed.

Further down in the newspaper article I find this statement by Mr. Hanes:

"But you can't blame the Russians," Mr. Hanes said. "They were smart. You can blame our own stupidity and nothing else. Who wouldn't spend someone else's money?"

Mr. President, I ask unanimous consent that at the conclusion of my remarks the entire article, including the statement by Mr. Hanes, be printed in the RECORD. In this connection I desire to suggest to the Military Affairs Committee and the Finance Committee especially that this is another case of printing for occupied territory money which the United States Treasury makes good, and upon which, apparently, there is no check whatsoever. I think it is high time that an explanation should be made. This policy should be defined or classified or both.

If Mr. Hanes, who was at one time Under Secretary of the Treasury, made such a statement as is reported, this administration should be required to clarify its policy. If what is being done is a judicious thing to do, if it is the right thing to do, I should like to have the policy made clear; but if other nations, and especially Russia, are continuing to use printing presses to print German marks which the United States Treasury is called upon to redeem, I think Congress should know about it. I believe the time has come when we should withdraw the plates from Russia and that this policy should be discontinued.

The printing presses are running full blast at home—printing money for unnecessary bureaucratic agencies and programs, but now we learn that unrestricted printing is being done by Russia, which has borrowed the plates, and the taxpayers of the country will be called upon to redeem the paper money.

The PRESIDENT pro tempore. Without objection, the article presented by the Senator from Nebraska will be printed in the RECORD.

The article is as follows:

IS UNITED STATES PAYING DOLLARS FOR GERMAN MARKS PRINTED BY RUSSIANS?

Upon his return from Europe, John W. Hanes, one-time Under Secretary of the Treasury, reported in the New York Journal-American September 9 that United States authorities had turned over to the Russians the plates from which occupation marks are printed.

He said that since then the Russians are running hog-wild with the marks their presses are turning out on a mile-a-minute basis, that these marks are not redeemable in the Russian ruble but are redeemable in the United States dollar at the rate of 10 cents per mark, and that the United States Treasury (really the United States taxpayer) is being milked rapidly and to a degree yet unknown, according to the Economists' National Committee on Monetary Policy.

"But you can't blame the Russians," Mr. Hanes said. "They were smart. You can blame our own stupidity and nothing else. Who wouldn't spend someone else's money?"

"Mr. Hanes could not tell the exact circumstances under which the Russians cajoled the Americans out of the money engraving plates. But, he said, once the Americans yielded the plates the Russian printing presses began rolling. The spending orgy—and inflation—was on.

LIKE THE HORSE TRACK

"The net result was as obvious as can be," Mr. Hanes said. "The Tiergarten resembled nothing so much as a busy day at the Belmont betting windows. The Russians, naturally, will buy anything you have to sell for any amount. They have nothing to lose."

Various confirmatory and some qualified reports have been sent from Berlin, but nothing seems to deny the general accuracy of the situation as he portrayed it.

The New York Times (September 14) said in part, "that Russian occupation marks were identical except that the Russian-produced notes bear a dashmark before the serial number. No restriction was placed on the volume of occupation currency any power could issue * * *."

"* * * It is a matter of record that in the first month of the American occupation of Berlin troops of the Second Armored Division sent home something like \$3,000,000 in excess of their pay. This represented the proceeds from sales of watches, cigarets, chocolate, and fountain pens to Red army soldiers."

PAPER FOR DOLLARS

Raymond Daniell, in the New York Times (September 15), says:

"So every soldier who succeeds in changing them (Russian-printed marks) into dollars is conducting a one-man raid on Uncle Sam's Treasury because he is exchanging worthless paper for real American dollars."

From the Wall Street Journal (September 27):

"Washington denies we're paying off Russia's occupation marks in Berlin."

"* * * Informed Washington officials now say, however, that while we did let the Russians have our plates, any marks they are printing from them bear their distinguishing symbol. All occupation currency carries the separate symbol of the issuing Big Four powers, it is explained, so there is no excuse for any confusion or redemptions."

"We let the Russians have our plates, Washington says, to make their currency uniform with ours—except for those symbols, of course."

SOME BOTTLENECKS OF RECONVERSION—ADDRESS BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD an address entitled "Some Bottlenecks of Reconversion," delivered by him before the seventeenth annual meeting of the Gray Iron Founders' Society, Chicago, Ill., October 24, 1945, which appears in the Appendix.]

THE EFFECT OF THE ATOMIC BOMB ON AMERICAN FOREIGN POLICY—ADDRESS BY SENATOR FULBRIGHT

[Mr. FULBRIGHT asked and obtained leave to have printed in the RECORD an address entitled "The Effect of the Atomic Bomb on American Foreign Policy," delivered by him before the Foreign Policy Association at a meeting in New York City on October 20, 1945, which appears in the Appendix.]

INLAND PLANTS TO AID DEFENSE PROGRAM—STATEMENT BY WEST CENTRAL INDUSTRIAL COUNCIL

[Mr. JOHNSTON of South Carolina (for Mr. BRIGGS) asked and obtained leave to have printed in the RECORD a statement entitled "National Safety and Economy Require Inland Plants To Aid Defense Program," issued by the West Central Industrial Council in October 1945, which appears in the Appendix.]

LETTERS FROM MEN IN THE ARMED SERVICES RESPECTING DEMOBILIZATION

[Mr. O'DANIEL asked and obtained leave to have printed in the RECORD a letter from a group of Navy officers and men at Okinawa, a letter from a group of Army officers and

men in France, and a letter from a group of 300 Army officers and men in the United States respecting discharge from the services, which appear in the Appendix.]

INDIVIDUAL SECURITY IN THE POSTWAR WORLD—STATEMENT BY THE SECRETARY OF LABOR

[Mr. HATCH asked and obtained leave to have printed in the RECORD a statement entitled "Individual Security in the Postwar World," issued for the Trans-Radio Press by the Secretary of Labor, which appears in the Appendix.]

BRIG. GEN. HARRY H. VAUGHAN—STATEMENTS OF REV. CLIFF R. JOHNSON AND CHAPLAIN LUTHER D. MILLER

[Mr. HILL asked and obtained leave to have printed in the RECORD two letters, one from Rev. Cliff R. Johnson, minister of Westminster Presbyterian Church, Alexandria, Va., and the other from Luther D. Miller, Chief of Chaplains of the United States Army, with regard to an address recently delivered by Brig. Gen. Harry H. Vaughan before the women's auxiliary of the Westminster Presbyterian Church, which appear in the Appendix.]

CALL OF THE ROLL

Mr. HILL. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Guffey	Murdock
Austin	Gurney	O'Daniel
Ball	Hart	Overton
Barkley	Hatch	Radcliffe
Bilbo	Hayden	Reed
Brewster	Hickenlooper	Revercomb
Brooks	Hill	Robertson
Butler	Hoey	Russell
Byrd	Huffman	Taft
Capper	Johnson, Colo.	Taylor
Chavez	Johnston, S. C.	Tunnell
Connally	Knowland	Vandenberg
Cordon	La Follette	Wheeler
Donnell	Langer	Wherry
Eastland	McClellan	White
Elliender	McKellar	Wiley
Ferguson	Magnuson	Willis
Fulbright	Maybank	Wilson
George	Millikin	Young
Gerry	Moore	
Green	Morse	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from California [Mr. DOWNEY] are absent from the Senate because of illness.

The Senator from Arizona [Mr. McFARLAND] is absent because of illness in his family.

The Senator from Oklahoma [Mr. THOMAS], is absent attending the Food and Agricultural Conference in Quebec.

The Senator from Utah [Mr. THOMAS] has been appointed a delegate to the International Labor Conference in Paris, and is therefore necessarily absent.

The Senator from Montana [Mr. MURRAY] is attending the conference in London to consider the creation of an educational and cultural organization of the United Nations.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Missouri [Mr. BRIGGS], the Senator from Illinois [Mr. LUCAS], the Senator from Connecticut [Mr. McMAHON], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

The Senators from Nevada [Mr. CARVILLE and Mr. McCARRAN], the Senator from West Virginia [Mr. KILGORE], the Senator from Washington [Mr. MITCHELL], and the Senator from Florida [Mr. PEPPER] are detained on official business.

The Senators from New York [Mr. MEAD and Mr. WAGNER], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Tennessee [Mr. STEWART], and the Senator from Massachusetts [Mr. WALSH] are detained on public business.

Mr. WHERRY. The Senator from Vermont [Mr. AIKEN] has been excused until November 20 for reasons heretofore stated.

The Senator from Indiana [Mr. CAPEHART] is absent because of injuries resulting from an accident.

The Senator from South Dakota [Mr. BUSHFIELD] and the Senator from Idaho [Mr. THOMAS] are absent because of illness.

The Senator from Delaware [Mr. BUCK] and the Senator from New Jersey [Mr. SMITH] are necessarily absent on business. The Senator from New Jersey has been excused.

The Senator from New Hampshire [Mr. BRIDGES], the Senator from New Jersey [Mr. HAWKES], the Senator from Minnesota [Mr. SHIPSTEAD], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The Senator from Massachusetts [Mr. SALTONSTALL] is necessarily absent.

The PRESIDENT pro tempore. Sixty-one Senators having answered to their names, a quorum is present.

REORGANIZATION OF GOVERNMENT AGENCIES

The Senate resumed the consideration of the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Louisiana [Mr. OVERTON], which will be stated.

The CHIEF CLERK. In the committee amendment, on page 17, line 20, after the word "Board", it is proposed to insert "civil functions of the Corps of Engineers, United States Army."

Mr. OVERTON. Mr. President, the amendment I have submitted is as follows:

On page 17, line 20, after the word "Board", insert "civil functions of the Corps of Engineers, United States Army."

The civil functions of the Corps of Engineers, United States Army, were excepted from the Reorganization Act of 1939. The Committee on the Judiciary in reporting the bill has not included the Corps of Engineers within its list of exceptions.

The Corps of Engineers, Mr. President, was organized in 1802. It has been in active existence as an arm of the Federal Government in relation to river and harbor improvements and flood control, and other matters of public engineering, for a period of over a century and a quarter.

Who constitute the Army engineers? They are selected, Mr. President, from

the highest one-tenth in the classes of graduates from West Point. The highest one-tenth in the classes enter or are privileged to enter into the Corps of Engineers. Those below the highest 10 percent cannot enter the Corps of Engineers. They, therefore, start out as cum laude graduates, well-educated men, splendidly equipped for the great work which they are to undertake. The Corps of Army Engineers have, during their long existence, done their work not only skillfully, but without fear or favor. Regardless of who might be in power, whether it be a Republican administration or a Democratic administration, there has never been any political favoritism practiced by the Corps of Army Engineers.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. AUSTIN. I should like to ask the distinguished Senator from Louisiana if his experience in the committee and in the Senate in dealing with controversial issues which are somewhat regional in character, such as that in the Connecticut River Valley, has developed the fact that the Corps of Engineers has been able to maintain a strictly scientific attitude, and has kept its hands off the controversies which arise in the committee and in the Senate in making the policy that is adapted to an area?

Mr. OVERTON. The Senator from Vermont is absolutely correct. That is true not only with reference to the projects in the New England States, but it is true in reference to projects throughout the United States. In that connection I dare say that no representative of the Corps of Engineers appeared before the committee to ask for the exemption of the corps from this bill. They stand aloof from any question of policy that may be adopted by the Congress of the United States. What they do is to concentrate their thought and attention solely upon their work, which is the engineering investigation and approval or rejection of projects.

As Senators well know, they do not initiate projects. They act only at the behest of the Congress of the United States. There is not a survey made throughout the United States that is not directed by the Congress of the United States. After the engineers have made a survey and an exhaustive examination through the district engineers, and the division engineers, and the Board of Engineers for Rivers and Harbors, and the Chief of Engineers, and through all the processes that are necessary in order to arrive at a sound conclusion, then their report is submitted to the Congress of the United States for adoption or rejection.

It was shown in testimony taken not long ago that of the total projects that were investigated by them more than 60 percent were rejected as being unsound and uneconomical. If a project is economically justified in their opinion from an engineering standpoint, that project is recommended to the Congress of the United States regardless of the location in which it is, and regardless of who the Senator or who the Representa-

tive may be that is sponsoring the project.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. McCLELLAN. What functions now performed by the Corps of Engineers might be transferred if this amendment were not adopted?

Mr. OVERTON. All their civil functions. And let me add that there is no function that I know of being discharged by the Corps of Army Engineers that could properly be transferred to any other agency of the Government.

Mr. McCLELLAN. If this amendment were not adopted, would authority be delegated to the President to transfer such functions?

Mr. OVERTON. Authority would be delegated, and there would be an implied invitation on the part of the Congress to the President to make such a transfer. If there were no exceptions in the bill, if all the agencies of the Government were turned over to the President for reorganization purposes, then it could be said that there was no request made upon the President to investigate the Corps of Engineers. But when the committee reports a bill which excepts 10 or 12 agencies of the Government, and leaves out the Corps of Army Engineers, it is an expression of opinion, if adopted by the Congress, that that is a matter which the President should investigate, to determine whether or not there should be a transfer of the functions of the Corps of Army Engineers to some other agency of the Government.

Mr. McCLELLAN. That would be the effect of the passage of the bill in its present form.

Mr. OVERTON. That is correct.

Mr. McCLELLAN. Whereas if the Senator's amendment were adopted, it would be an expression of the Congress to the effect that it was satisfied with the services which this agency is now performing, and that it was the consensus of opinion of the Congress that it should not be disturbed.

Mr. OVERTON. That is correct. If any Senator can suggest any other agency to which the civil functions of the Corps of Engineers could be properly transferred, I should be very glad to consider it.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. TAFT. Of course, the civil functions of the Corps of Engineers were transferred to the Tennessee Valley Authority so far as the Tennessee River was concerned; and I assume that proposals for the Missouri Valley Authority will contemplate the transfer of the civil functions of the Corps of Army Engineers to the Missouri Valley Authority. Is not that correct?

Mr. OVERTON. Yes; provided that such an authority is legislatively authorized.

Mr. TAFT. Is it not possible that once the exception were made, the President might transfer such functions, so far as they relate to the Missouri River, to the Reclamation Service or the Federal Power Commission?

Mr. OVERTON. That is correct.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. MAYBANK. If this transfer of functions were made, what would become of all the records covering years of study of many projects not yet constructed?

Mr. OVERTON. Some new agency would have to undertake to do the best it could with those projects.

Mr. MAYBANK. In the Senator's opinion would that mean a restudy of all the projects?

Mr. OVERTON. Unquestionably there would have to be restudy, reexamination, probably resurveys, and prolonged delays. And by whom? By some other agency not nearly so well qualified as the Corps of Army Engineers to attend to projects relating to our inland waterways and our harbors.

Mr. MAYBANK. Is it not a fact that all those records covering many years of studies and engineering reports, made at great expense to the Government by the Army engineers, form the basis for future developments?

Mr. OVERTON. The Senator is correct. It is a continuous and progressive advance. Some of the greatest engineering works in the world have been constructed by the United States Army engineers. Take the great dams. As an example, I cite the Fort Peck (Mont.) Dam, the greatest earthen reservoir ever constructed. That was built by the United States Army engineers.

Mr. MAYBANK. What would become of the inland waterways?

Mr. OVERTON. Take the Bonneville Dam, which was constructed by the United States Army engineers. The Denison Dam on the Red River was constructed by the Army engineers. The dams for the protection of the city of Pittsburgh were constructed by the Army engineers.

Mr. MAYBANK. Aside from the various dams, what about the inland waterways?

Mr. OVERTON. The Senator is absolutely correct in raising that question. Take the harbors. Take the magnificent harbor of Boston, with its Cape Cod Canal. That project is the work of the Army engineers. Take the great port of New York, and the harbors which make it one of the greatest ports in the world. Those harbors are maintained by the Army engineers. In that connection I mention the port of New Orleans, in my own State. The jetties at the mouth of the Mississippi River which keep that great port alive are the work of Eads, a great Army engineer, and they are now being maintained by the Army engineers.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. GURNEY. The Senator has mentioned a number of great projects. Is it not true that in peacetime the Army engineers gain experience which makes them efficient in wartime?

Mr. OVERTON. That is absolutely correct; and I shall dwell on that thought a little later.

There are other ports. Take Houston, which has been developed into a great port through the work of the Army en-

gineers. The same is true of the harbor of San Pedro, in Los Angeles.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. CORDON. I suggest to the Senator from Louisiana that not only are the Army engineers better equipped as a result of their peacetime experience for handling their duties in wartime, but by virtue of the experience which they gain in wartime they are far better equipped to handle the engineering work which comes to them in their peacetime activities.

Mr. OVERTON. I thoroughly agree with the Senator.

The Panama Canal is one of the greatest engineering projects in the world. It was constructed by the Army engineers. The coastal canal which stretches from Maine to Mexico is the fruit of Army engineering proficiency.

Our inland waterway navigation depends upon the work of the Army engineers. The great Father of Waters is a mighty avenue for water-borne commerce. The 9-foot channel which makes the Mississippi River capable of carrying such commerce, and which will soon be developed into a 12-foot channel, is the work of the Army engineers. It carries freight from the Gulf of Mexico to the Twin Cities of Minneapolis and St. Paul, and up the Illinois and Chicago Rivers to the city of Chicago, and the Great Lakes.

We can look around Washington and see further examples of the work of the Army engineers. The Capitol, in which we are now seated, is the work of the Army engineers. The Library of Congress was constructed by the Army engineers, as were the Washington Monument, the Lincoln Memorial, the Memorial Bridge which spans the Potomac River, Key Bridge, Cabin John Bridge, and the magnificent water works of the city of Washington.

Mr. President, it is not necessary for me to go into further detail as to what the Army engineers have done. They have done it because they are thoroughly trained and exceptionally expert in the work. It is their life work. No other agency of the Government that I know of could take over this vast enterprise.

As has been suggested by the Senator from Oregon [Mr. CORDON] and the Senator from South Dakota [Mr. GURNEY], what has been accomplished in wartime has been accomplished by reason of the fact that we have had an experienced group of men to meet the engineering necessities of war. When we started the construction of camps, they were built very rapidly. That job was turned over to the United States Army engineers. It was said that time was of the essence. The camps were constructed almost overnight, and were made ready to house our troops and aid in training them for the heroic service they rendered.

When our troops had to land off the coast of Normandy, the artificial harbors had been constructed by the Army engineers, and various works were put into operation by them which permitted our troops not only to land successfully, but with a great reduction in the loss of life. After they landed and started through

France, roads had to be repaired in order to move our troops and equipment. The Army engineers preceded our fighting forces, building roads, repairing bridges, and constructing railroads for the transportation of our men across France and into Germany. They were the vanguard that led our troops on to German soil; across the Rhine and other rivers. They did not stop and ask, "How do we cross these rivers?" They simply said, "When do you want to cross and where do you want to cross?" And the work was done.

Mr. President, in other theaters of war the Corps of Army Engineers rendered a great and magnificent and immortal service to the cause of the Allies in the war. That is so true that other nations, realizing the superiority of the United States Army engineers, are today undertaking to establish programs of peacetime work so as to train their own engineers, in order to have them prepared for combat duty.

The question which addresses itself is simply whether we are to authorize and impliedly request the President of the United States to make any alteration with respect to this branch of our service.

Mr. WHEELER rose.

Mr. OVERTON. I yield to the Senator from Montana.

Mr. WHEELER. I wish to say to the Senator from Louisiana that I agree with everything he has said about the Corps of Army Engineers. I have a great deal of respect for them, and I think they have performed a wonderful service.

In the Committee on the Judiciary, however, there was a proposal to include under the bill all the quasi-judicial organizations which were established by Congress for the purpose of carrying out the will of Congress—for instance, the Interstate Commerce Commission, the Federal Communications Commission, and similar organizations. I felt that those agencies certainly should not be included in the bill, for if that were done those independent agencies would be placed under some department of the Government and they would soon lose their independence; they would become dominated by whoever might be the head of the department under which they were placed.

With respect to the Army engineers, I share very largely the views of the Senator from Louisiana. I have not the slightest objection, I say frankly, to having the Army engineers exempted. But I do not think we should similarly exempt all the bureaus or agencies which some persons might like to have exempted from reorganization because in the various departments of the Government there are many bureaus or agencies which duplicate one another.

Mr. OVERTON. Yes; and many of them are susceptible of being reorganized. I agree with the Senator about that. A differentiation might be made, as suggested by the Senator, on the ground that some agencies exercise quasi-judicial powers and others do not. Therefore, it may be argued that agencies exercising quasi-judicial powers should be exempted. That might be satisfactory to the Senator as a member of the Judiciary Committee, but I take

it that it would not be entirely satisfactory to all Members of the Senate, or of the House of Representatives, for that matter, because many of us think there should be other grounds of differentiation.

Mr. WHEELER. Not only is it a fact that such agencies are quasi-judicial but agencies such as the Federal Communications Commission have been created purely as an arm of the Congress, as distinguished from the executive branch of the Government.

Mr. ANDREWS. For instance, the Corps of Engineers.

Mr. OVERTON. Of course, so far as that is concerned, that may be true as regards the Corps of Engineers, as the Senator from Florida suggests. The Corps of Engineers acts solely at the direction of the Congress of the United States. The Corps of Engineers does not plan a project or inaugurate it or complete it unless the Congress of the United States has so directed. The Corps of Engineers does not undertake to investigate a project until the Congress has approved it. Also, of course, the Corps of Engineers does exercise judicial discretion. It has voluminous regulations with respect to the waterways. Some of them deal with whether obstructions shall be built; some of them deal with the question whether bridges may be put across rivers, and where, and under what circumstances. I have seen the regulations; they are most voluminous, and they deal with various matters in which the Corps of Engineers is called upon to exercise quasi-judicial functions.

Mr. WHEELER. The only flaw in the Senator's argument is that it likewise applies to the Forest Service, the Reclamation Service, and hundreds of other agencies which I could point out. Frankly, Mr. President, I have no objection to exempting the Corps of Army Engineers; but I do not wish to have the Senate proceed to exempt first one and then another and then another agency, regardless of whether they are arms of the Congress or of the executive branch of Government. I made that distinction in the Committee on the Judiciary.

However, I repeat that I have not the slightest objection to exempting the Corps of Army Engineers, and I think there is a good deal to what the Senator from Louisiana has said as to why the Corps of Engineers should be exempted.

Mr. OVERTON. Of course, Mr. President, the argument based on the making of a distinction between judicial agencies and nonjudicial agencies was not mine; but since that argument has been advanced, I have simply said that much can be said in that regard as to the functions of the Corps of Engineers—in other words, that in many respects they are quasi judicial in character.

Mr. President, I submit the amendment. So far there appears no serious opposition to it. Therefore I yield the floor.

Mr. HATCH. Mr. President, I shall oppose the amendment offered by the Senator from Louisiana, not because of any desire on my part to have the Corps of Army Engineers reorganized, but because I am definitely of the conviction that the bill already contains too many

exemptions. Instead of adding to the exemptions included in the bill, I believe we should strike out many of those which now are in it. Later I shall discuss that question more fully. At present, I wish to digress for a moment and talk very briefly about something else.

Mr. CONNALLY. Mr. President—
The PRESIDENT pro tempore. The Senator from New Mexico has the floor.

THE ATOMIC BOMB

Mr. HATCH. Mr. President, yesterday, demonstrating his deep interest in and appreciation of the vast potentialities for evil existent in the atomic bomb, the senior Senator from Tennessee [Mr. McKellar], the President pro tempore of the Senate, made an earnest plea for immediate action to relieve us and the world from the fear and threat of the use of atomic energy for purposes of war.

I listened most carefully to every word the distinguished Senator said. I desire to pay a compliment to him and to all others who are attempting in any way to reach an understanding or realization of what the release of atomic energy means to the world of men; for on August 6 of this year, in the twinkling of an eye, the whole world was changed. So sudden and revolutionary was that change, Mr. President, that it is no wonder that now we and the people of all other nations grope and flounder without as yet, perhaps, a full appreciation of what has taken place in the world.

The Senator from Tennessee suggested as an immediate answer to the use of atomic energy to destroy for purposes of war, that all nations immediately outlaw such use. It was suggested that a formal agreement be entered into by the nations of the world by which all would forever be precluded from using the bomb as an instrument of war. I would that I could agree with the distinguished Senator that the protection against the destructive use of atomic energy could be secured by any kind of an agreement.

Indeed, Mr. President, it should be an easy matter, I believe, to secure an agreement today when we and our neighbors, Great Britain and Canada, alone possess the detailed knowledge of manufacturing processes, and are the only one who actually possess this horrible engine of death and destruction. If, under those circumstances, we who possess the essential knowledge would be willing to forego its use in war, surely every other nation should be willing to enter into such an agreement. Of that, I do not have the slightest doubt, but I wish I could be as certain of the effectiveness of such an agreement as I am of our ability to lead the other nations of the world into such a compact. It is not doubt, skepticism, or even distrust on my part which forbids my reaching such—shall I say—an easy solution. I do not distrust all the other nations of the world. I do not think that our own Nation alone possesses all the virtue, spirit, desire, and willingness to abide by an agreement and abstain from the use of such a terrible weapon of war as the atomic bomb. There are other nations in the world which are just as altruistic, utilitarian, and as honest as are we. There are many other nations whose solemn word and

treaty obligations are as valid as our own.

But, Mr. President, to me at least, bitter experience compels the absolute and certain knowledge that all nations are not so minded. I shall not enumerate the numerous agreements and treaties which have been breached and broken by aggressor nations who have not hesitated to break them when they have believed their own physical strength and power were sufficient to win victory for themselves, and dominate, control, and perhaps enslave other nations of the world.

Notwithstanding the absolute failure of all such ventures on the part of such aggressor nations, and their defeat, their natures have not been changed. Their desire to rule, conquer, subdue, and enslave remains. Even though, apparently, some of them are now deprived temporarily of the means to wage war, who knows how long such conditions will prevail? Who knows but that atomic energy itself, a force which we have discovered and have loosed in the world, may become the very means by which aggressor nations will again attempt to travel the road to rule or ruin?

While atomic energy itself may be the equalizing force which will make the weakest nation as strong and as powerful as our nation is, who knows at this moment that we, who alone possess the essential knowledge of the atomic bomb, will continue in sole possession of it for any length of time? Opinions as to the length of time such security may be enjoyed are, at the best mere guesses; no man knows of a certainty. But it is argued that agreement has been effective. It was suggested on yesterday that it was effective in the use of poison gas because gas was not used in World War II, and that perhaps we can safely rely upon an agreement to prevent not only the use of poison gas but the use of atomic energy and other scientific discoveries in every field, including the biological as well as the chemical.

Mr. President, I cannot ease my conscience, I cannot satisfy my own mind with any such belief. On the contrary, I am perfectly convinced, and believe beyond any peradventure of doubt, that the use of poison gas was not prevented by agreement. Our enemies used every dastardly and uncivilized means of warfare. They would not, because of treaty or agreement, have hesitated to use poison gas when they kept no agreement and respected no treaty. In my opinion the use of poison gas was prevented only because the enemy well knew that he was more vulnerable to its use than we were. He well knew that our progress in science had been as great or even greater than his, that we possessed as much knowledge of poison gas as he possessed, and perhaps more and that our superior air force, the power of which he knew full well, would pay him in kind perhaps a thousandfold if he started the use of poison gas. That and that alone, Mr. President, prevented him from releasing deadly fumes which might have pervaded into every home. Let us take no comfort from the fact that he did not use poison gas. Neither can we take much comfort expense involved in developing the process

necessary to produce the atomic bomb, as has been suggested. We have been asked what other nation in the world had \$2,000,000,000, or even half that sum, to devote to the development of the atomic bomb.

Mr. President, Hitler answered the question of expense when Germany, enslaved and bankrupt, built and equipped the strongest armed force which the world had seen until that time. He did it without money. Money is not the only essential. In those states and nations where the individual is but the subject, and perhaps the slave of the state, men and material are the necessary factors which enter into the constructive processes, and not dollars and cents. Other nations have men and material in quantities which are almost as great as our own. In some respects they are even more available because the rights of property, the rights of human beings, and the rights of individuals are not involved, and they may be taken and used without any thought of compensation. In those countries money is of relatively small importance. So let us not take comfort in the thought that other nations may not have dollars and cents.

In saying these things, Mr. President, I am not and do not want to be critical of the suggestion that the atomic bomb should be outlawed. I want very much to see every possible step taken which will prevent the use of atomic energy, or any other force in settling disputes among nations. If we could prevent such use by agreement, then, as the Senator from Colorado [Mr. JOHNSON] suggested yesterday, why stop with outlawing the atomic bomb? Why not outlaw war itself, as was once done by agreement? The nations of the world actually did outlaw war.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. CONNALLY. If we can outlaw the atomic bomb, why cannot we outlaw cannon, airplanes, and other weapons of warfare?

Mr. HATCH. If we can outlaw the use of the atomic bomb we can outlaw the use of every instrument of war. In fact, we can outlaw every instrument of warfare if we can outlaw war itself.

As I have already said, Mr. President, we did outlaw war itself by agreement, and the world miserably failed in that agreement.

Mr. TAFT. Mr. President, I do not see why it would not be possible to outlaw the use of the atomic bomb and set up, through the United Nations Organization, an inspection service to which nations would voluntarily submit themselves so that it would be possible to ascertain whether any nation was in fact constructing or starting to construct atomic bombs. If it should be ascertained that such construction was in progress, or that preparations were being made for such construction, I see no reason why the United Nations Organization should not be warranted in using its armed forces in preventing the continuance of manufacture. I can agree that war cannot be outlawed merely by entering into an agreement

such as the Briand Pact. The use of the atomic bomb cannot be outlawed, but I do not see why, with an effective United Nations Organization, a declaration could not be made against the use of the atomic bomb for all purposes, that the United States itself will not use it, and that the United Nations will move against any nation which undertakes to violate the rule which it is attempted to lay down.

Mr. HATCH. Mr. President, nothing the Senator from Ohio has said is in disagreement with what I have said. I think that what he mentions is a part of and only a part of what must be done. I am pointing out in what I have to say today what I was afraid would be a general interpretation of the address which was delivered yesterday, that by simple agreement—that is what I said—the atomic bomb could be outlawed. That cannot be done; and I do not want the people of America and I do not want the peoples of the world to believe that the Senate of the United States understands or believes such a thing as that or is going to adopt such a policy as that. That is the reason I am making these remarks.

Mr. MURDOCK. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from New Mexico yield to the Senator from Utah?

Mr. HATCH. I yield.

Mr. MURDOCK. Does the Senator not think, however, that an international agreement such as that to which he has referred is certainly the first and, in my opinion, a very necessary thing to be brought about at the present time?

Mr. HATCH. I certainly agree that we must have international agreement and understanding, but it must be backed by something more than the paper upon which it is written.

Mr. MURDOCK. I am in full agreement with that statement, but I cannot help but believe that we must—and I say the sooner the better—enter into such an agreement and then implement it to the fullest extent possible, as suggested by the distinguished Senator from Ohio [Mr. TAFT].

Mr. HATCH. There is no disagreement at all so far as I am concerned with what the Senator has said.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Tennessee?

Mr. HATCH. I yield.

Mr. McKELLAR. I think the Senator misapprehended what I had to say yesterday insofar as obtaining peace by agreement is concerned. The agreement has to be implemented of course. But at this time we are the absolute owners of the atomic bomb. Some other nation may have a smattering of knowledge about it, but that is all. None of them owns it; they cannot own it because it is our property and we can dispose of the Nation's property only under the Constitution and laws of the United States.

My purpose in making the statement yesterday—and I am afraid the Senator

misapprehended it—was to suggest that while we are the sole owners of this great destructive instrument of war, we are in a position, peculiarly fortunate for the peace of the world, to take the lead and ascertain what effect it would have upon the nations of the world and the peoples of the world if the United States, the genius of whose sons has created this great destructive instrument, should say that inasmuch as human beings without regards to whether they were participants in war—they might even be opposed to war and be entirely innocent—would be stricken down, the atomic bomb should be outlawed. At this time when we are being charged by other nations with trying to build up a great military system and when, despite our adherence to the San Francisco Conference agreement, our actions in increasing our forces and holding on to everything we have got and have had during the war cause them to doubt whether we are really for peace, if we take a generous, kindly, neighborly stand and take the lead in the movement to outlaw this greatest instrumentality of human destruction ever created by man, all our neighbors will feel that we want to carry out our professions and want to stop war and bring about a permanent peace. There is no better way in my judgment to prevent the use of the most destructive agency ever devised by man. While we have it and before any other nation obtains an interest in it—no other nation has contributed a dollar to it—we ourselves ought to take the lead in preventing the use of this great destructive agency as an instrument of war.

Mr. HATCH. Mr. President, I do not think I misunderstood the Senator yesterday. In the beginning of my remarks I complimented him.

Mr. McKELLAR. Yes; and I thank the Senator.

Mr. HATCH. I did so because he brought this matter to the attention of the Senate. I also complimented him on the position which he takes in saying that our Nation, which is responsible for releasing atomic energy, must be the nation which shall lead the world in its proper use for constructive and not destructive purposes, and certainly, Mr. President, that must be done by our taking the lead in promoting international agreement and accord.

My point, I repeat, is simply that as I read the newspapers they seemed to stress that the Senator from Tennessee was proposing a simple agreement to outlaw the use of the atomic bomb. I am certain, as I am sure the Senator from Tennessee is, that no simple agreement would have the effect he desires.

Mr. McKELLAR. I said so yesterday in the plainest English I knew how to use. Of course, the agreement must have power behind it. The United States is behind it, and that is considerable power. I said the reason why we can do it now is because we own it and have the power to do with it as we desire. The secret belongs to us. When we undertake to outlaw the atomic bomb the other nations will be obliged to agree, and then, as the distinguished Senator from Ohio said awhile ago, it would be a very simple

thing for the great peace organization which we have established, or propose to establish, as the result of the conference at San Francisco to ascertain by appropriate examination of the factories in the various countries whether they are undertaking to violate the agreement which they would undoubtedly make.

I think today Great Britain would be delighted to enter into such an agreement; I believe Russia would; I believe China would; I believe every other nation in the world would enter into such an agreement. But if they had the formula for these bombs themselves, if we should transfer the formula for making the bomb to them, and they then had an equal interest with us in it, I am not so sure that we could get an agreement to outlaw the bombs. I am not so sure that the peace organization that we established at San Francisco would undertake to carry out the agreement even if it were made by a few nations.

My purpose in discussing the question yesterday was to suggest that power be provided to enforce any agreement which might be made. If we outlaw the atomic bomb and an agreement is made, I doubt whether any other nation will do what we have done and find the formula for it. It is quite an expensive task. I am still for a permanent peace, but I do not believe we can obtain a permanent peace if we give away the process for making these bombs, or if we do not shield the innocent men, women, and children against this deadly machine of war. The use of this atomic bomb is not war as we understand that term, but it is purely a barbaric mass destruction of all people against whom it is used, whether they are fighting or engaged in war or not.

Mr. HATCH. Mr. President, I have not discussed the steps which I think should be taken. I hope to address the Senate on that subject more fully at some later time, but as an inkling of what is involved when we talk of outlawing or controlling this tremendous force, I wish to read very briefly from a book entitled "Modern Man Is Obsolete," by Norman Cousins. This is an extension of an editorial which appeared in the Saturday Review:

Reject all other arguments for world government—reject the geographic, economic, the ideological, the sociological, the humanitarian arguments, valid though they may be. Consider only the towering job of policing the atom—the job of keeping the smallest particle of matter from destroying all matter. This means control. But control is no natural phenomenon. It does not operate of and by itself. Control is impossible without power—the power of investigation, the power of injunction, the power of arrest, the power of punishment. But power, like control, cannot be isolated, nor is it desirable except under carefully defined circumstances. Power must be subordinate to law, unless it is to take the form of brute, irresponsible force. Here, too, we are involved in an immediate interrelationship, because law can be derived only through government. Law is a product of moral, judicial, executive, legislative, and administrative sanction—all of which adds up to government. And government means what it says: the process of governing. It is not decentralization, it is not informal organization, it is not the right of veto or the right of secession by any State or States. It is a central body none of whose members has the right or the means

of aggression or withdrawal. It is the source of legitimate action and legitimate redress.

REORGANIZATION OF GOVERNMENT AGENCIES

The Senate resumed the consideration of the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

Mr. MURDOCK. Mr. President, in regard to the argument made by the distinguished Senator from Louisiana [Mr. OVERTON] for exempting from the application of the bill, if and when it becomes law, the civil functions of the Army engineers, I wish to join him in everything he has said complimentary to the Board of Engineers, which is a great organization. It is true they are entitled to the confidence of the Congress, to our compliments, and to all the good and gracious things we may say about them. But I call the attention of the Senator to the fact that everything they have done has been done under a President of the United States as well as under laws enacted by the Congress of the United States and approved by the President and executed by him.

Mr. President, to me it is not convincing argument to say that we should exempt an agency from the application of the proposed legislation merely because it is efficient and has rendered valuable service in the past. If we take that view of reorganization, then there will never be any reorganization, things will remain in status quo, because it is my opinion that with few exceptions we can refer to every executive agency of the Government and point out its efficiency, its accomplishments, and what can be expected in the future. I join the Senator in complimenting the board of Army engineers. I go one step further and, because of his great persuasive powers, compliment them in having the distinguished Senator from Louisiana as their advocate and sponsor in this Chamber.

Mr. President, I wish to say a few words to my colleagues on this side of the aisle. We all admit, and our colleagues on the other side agree with us, that there should be reorganization in the executive departments. They point to duplication, and we point to it. They point to overlapping of functions, and we point to it. We are constantly complaining of such conditions, and another matter we complain of most vehemently is terrific and tremendous expenditures in the executive departments.

Mr. President, we talk, but do little about it. Our complaints come to the attention of the President, and he, in response to our complaints, sends a message to the Congress requesting that, if we are not willing to undertake reorganization as a matter of legislation in the Congress, we legislate appropriate policy and authority to enable him to do it. I state that we cannot do it here; it is too complex; it is too big a job; it takes too much time. So, in my opinion, the Congress of the United States simply cannot do the job.

The President sends his message to us, and, realizing that the Congress cannot do the job, says, "I am willing to undertake it. Living with the whole executive department day in and day out,"

the President says to us in his message, "I am closer to it, I know more about its deficiencies than you do, and I am willing, under your guidance, in conformity with your policy, following your directions, to reorganize the executive agencies and establishment of government."

Mr. President, I call the attention of my colleagues on this side of the aisle to the fact that, being the party in power, the Democratic Party, having a Democratic majority in the Senate and in the House, having a Democratic President, if there are deficiencies in our Government, if reorganization is needed—and no one here will say it is not—then it is the responsibility of the Democratic Party to move into the picture and accomplish a reorganization in line with legislation such as now pending before the Senate. Our colleagues on the other side say they want reorganization, but reorganization is not their responsibility; it is the responsibility of the majority party.

Only a few months ago the President of the United States was our colleague in the Senate. We knew him here. We know him now. If this legislation is adopted, it terminates before expiration of the term of office of the present President of the United States. I say to the Senate today: Is the man in the White House any different from the Senator who sat here among us? What change has come about, Mr. President, in that man which warrants the Senate of the United States in imagining that he will do something destructive, let us say, to the great organization of the Army engineers? He is just as cognizant of their great reputation and the magnificent work they have done and will do in the future as is the Senate as a whole, or as is any individual Senator.

So I ask: Is it fair, is it logical, is it reasonable to assume that the Chief Executive, who is not only the Chief Executive so far as the Army engineers are concerned, but their Commander in Chief, will transfer them or reorganize them or do anything that will destroy their efficiency or their ability to perpetuate the valuable services they have rendered in the past? Mr. President, I simply cannot believe that the argument is logical. I simply cannot believe that by reason of the efficiency of a great organization they should be exempted from the reorganization bill, if reorganization is really desired.

Mr. President, when I see all the amendments which are on the table today I am rather doubtful whether in good faith we want reorganization. We cannot get it unless we are willing to delegate some little power and repose some little confidence in someone in the executive department to move into the situation and take action. We cannot talk about what some other President may do because the act terminates before the termination of the present Chief Executive's term of office. So I say we need have little fear or little apprehension as to his doing anything destructive to this great organization.

Mr. President, I would say to the distinguished Senator from Louisiana, who inspires me every time he takes the floor of the Senate, that if it were merely this

organization for which exemption is requested I would say, "All well and good, let us accept it." But just so sure as the amendment offered by the distinguished Senator from Louisiana is adopted, a dozen other amendments will be offered calling for the exemption from reorganization of a dozen other agencies. Already there are in the bill 13 exemptions. If the Senator's amendment is adopted that will make 14. How under the sun can reorganization be effected if we exempt one after another every executive agency in which someone has a special interest?

I say to my Democratic colleagues: Reorganization is our responsibility. If we want it we should want it in good faith. If we want it in good faith, then we should be willing to give a Democratic President whatever power is necessary to carry out our legislative policies within the well-defined banks and standards fully set out in the proposed legislation.

With all due respect to the distinguished Senator from Louisiana, Mr. President, I hope his amendment will be voted down.

I wish to add one more word before I take my seat. This very question of exempting the civil functions of the Army engineers came up before the Senate Committee on the Judiciary. It was discussed thoroughly and after full discussion it was decided to leave that agency out of the bill. I think that action should have some weight with the Senate.

Mr. OVERTON. Mr. President, the very able and distinguished and courteous Senator from Utah almost disarms me with the complimentary phrases by which he refers to my humble work in the Senate. I wish to express my appreciation of what he has said about me, and in return to say in all seriousness that there is no Senator for whose ability, courage, and patriotism I entertain a higher admiration than I do for the Senator from Utah. In fact, I usually find myself in agreement with him.

It seems to me that the Senator destroys his own argument, however, when he undertakes to ask us to support the administration and at the same time advocates a bill which departs from the recommendation of the President of the United States. The President, in seeking at the hands of the Congress the power of reorganization, did not suggest that any exceptions whatsoever be made. There was not a single agency that he thought should be exempted. The President's recommendation was that all agencies should be turned over to him for reorganization purposes. The Committee on the Judiciary has not only departed from the recommendations of the President as respects agencies, but even as respects departments. The bill reported by the committee inhibits the President from making any reorganization of any department and transferring that department to another department or even calling the head of any reorganized agency a secretary.

The question as it addresses itself to me is: Why should the Committee on the Judiciary say, "We are privileged to depart from the program laid down by the President of the United States, but

the remaining Members of the United States Senate must not do it. We present certain exemptions, 13 in number. They are our sacred cows. They are not to be touched. They are hallowed. They are sanctified by our action. But you, the Senator from Louisiana, and you, the Senator from Ohio, and you, the Senator from West Virginia, and you, the Senator from Maine, and you, the Senator from Ohio, and other Senators, cannot propose any exemption because that would be contrary to what the President desires." What the President desires is that there be no exemptions; and if the Judiciary Committee had complied with the President's suggestion, and reported a bill containing no exemptions, I know I would not have offered the pending amendment. But the committee says, "Here are a number of untouchable items in the executive departments. They are not to be made the subject of reorganization." When the committee says that, it impliedly says to the President, "All other agencies are open to reorganization, and we invite you to reorganize every other agency, because if we had any doubt whatsoever as to other agencies, we would have included them in the exemptions. But since, for example, the Corps of Army Engineers is not included in the exemptions, therefore the Corps of Army Engineers is a fit subject matter for your consideration when it comes to reorganizing the agencies of the Government."

I suggest to the able Senator from Utah, who has charge of the bill, that I believe the Judiciary Committee has made a mistake.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. MURDOCK. I am only too happy to agree with the Senator that that was a mistake. I vigorously opposed it in the Judiciary Committee. But let me ask the Senator this question: Does the Senator favor reorganization at all?

Mr. OVERTON. I favor reorganization. When the President delivered his message I stated in the press that I favored the reorganization plan of the President. I favor it now. But the committee does not present the reorganization plan of the President.

Mr. MURDOCK. I should say that we have materially departed from it.

Mr. OVERTON. That, alas, is true, indeed.

Mr. MURDOCK. I am sure that when the Senator says he believes in reorganization he means it. But the Senator takes the position that merely because in the wisdom of the majority of the committee a few exemptions were made, any Senator who wishes to have some pet organization exempted is entitled to have that done because the Judiciary Committee saw fit to exempt 13 organizations.

Mr. OVERTON. I do not make that contention. Any Senator who proposes an additional exemption must justify it. The able Senator says that I undertake to justify the exemption solely on the ground that the Corps of Engineers of the Army is efficient. I have done so not merely on that ground, but also on a number of other grounds which it is

not necessary for me to repeat. However, on the question of efficiency, I made the statement that I could not conceive of any other agency of the Government, either in existence or which might hereafter be created, which could perform the scientific work being performed by the Army engineers. There is no other agency either now in existence or that could be created, which could do the work done by the Corps of Army Engineers in relation to our inland waterways, our harbors, and our flood-control work. It has performed stupendous tasks in a masterful manner. If that be true, why invite the President to dismantle such an organization?

Mr. MURDOCK. The Senator does not take the position, does he, that the Chief Executive is not as cognizant of the facts which he states as is the Senate?

Mr. OVERTON. I take cognizance of the fact that the Senator's committee reports a bill which invites the President of the United States to dismantle the Corps of Army Engineers. I say that that is wrong. It ought not to be done. If the committee had confidence in the President, it should have reported a bill with no exemptions, leaving it to the President to reorganize the various departments and agencies. Does the Senator mean to tell me that he thinks the President might wish to reorganize the Interstate Commerce Commission and transfer it to some other agency? If not, why say to the President, "You cannot do it?"

Mr. MURDOCK. I did not do that.

Mr. OVERTON. The Senator's committee did it; and the Senator stands here as a representative of the committee and a proponent of the bill which the committee has reported to the Senate. If the Senator will move to strike out all the exemptions and exceptions, I will abandon my amendment. But the Senator does not do so.

Mr. MURDOCK. Mr. President, will the Senator further yield?

Mr. OVERTON. I yield.

Mr. MURDOCK. Yesterday I prefaced my remarks by the statement that I was not in accord with all the provisions of the bill. I stated very emphatically that I probably would find some embarrassment in presenting the bill, but I did it because of a request coming from the distinguished Senator from Nevada [Mr. McCARRAN], just as the Senator from Louisiana introduced the bill because of a request from the same distinguished Senator. The Senator should not blame me for the inclusion of all these exemptions, when I voted against most of them in the committee.

Mr. OVERTON. The bill which I introduced as a matter of courtesy to the Senator from Nevada contained no exemptions whatever. I stand on that philosophy and that doctrine. I stand behind the President.

Mr. MURDOCK. I wish the Senate would join the Senator in that stand.

Mr. OVERTON. Very well; but that is not the question before the Senate. What is before the Senate is a bill reported by the Judiciary Committee which exempts 13 agencies and fails to exempt an agency which I believe every Sena-

tor, even including the Senator from Utah, believes should be exempted. In fact, he says so, because he says that he dares not for a moment entertain the thought that the President of the United States would ever interfere with the activities of the Corps of Army Engineers.

Mr. MURDOCK. I said that because of the argument which the Senator from Louisiana made; and it seems to me that that is an answer to his argument. If all the things he says are true, if it be true that the functions of the Army engineers could not be transferred to another agency with any expectation of greater efficiency, or even as great efficiency as is now the case, certainly the President can be depended upon not to destroy the efficiency of that great agency.

Mr. OVERTON. I am sure the Senator could go further, in his heart of hearts, and stand before the Senate and say, "It is my own independent judgment that the Corps of Army Engineers should be exempted."

Mr. President, I submit the amendment. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. OVERTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Andrews	Hart	Morse
Austin	Hatch	Murdock
Ball	Hayden	Myers
Barkley	Hickenlooper	OVERTON
Bilbo	Hill	Radcliffe
Brewster	Hoey	Revercomb
Brooks	Huffman	Robertson
Byrd	Johnson, Colo.	Russell
Capper	Johnston, S. C.	Taft
Connally	Knowland	Taylor
Cordon	La Follette	Tunnell
Donnell	Langer	Vandenberg
Eastland	McClellan	Wheeler
Ellender	McKellar	Wherry
Ferguson	Magnuson	Wiley
Fulbright	Maybank	Willis
Gerry	Millikin	Wilson
Gurney	Moore	Young

The PRESIDING OFFICER. Fifty-four Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment of the Senator from Louisiana [Mr. OVERTON] to the committee amendment on page 7, in line 20. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. WILLIS (after having voted in the affirmative). I transfer my general pair with the Senator from Oklahoma [Mr. THOMAS] to the Senator from Idaho [Mr. THOMAS] who I understand would vote "yea" if present, and let my vote stand.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from California [Mr. DOWNEY] are absent from the Senate because of illness.

The Senator from Arizona [Mr. McFARLAND] is absent because of illness in his family.

The Senator from Oklahoma [Mr. THOMAS] is absent attending the Food and Agricultural Conference in Quebec.

The Senator from Utah [Mr. THOMAS] has been appointed a delegate to the In-

ternational Labor Conference in Paris, and is, therefore, necessarily absent.

The Senator from Montana [Mr. MURRAY] is attending the conference in London to consider the creation of an educational and cultural organization of the United Nations.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Missouri [Mr. BRIGGS], the Senator from Illinois [Mr. LUCAS], the Senator from Connecticut [Mr. McMAHON], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

The Senators from Nevada [Mr. CARVILLE and Mr. MCCARRAN], the Senator from West Virginia [Mr. KILGORE], the Senator from Washington [Mr. MITCHELL], and the Senator from Florida [Mr. PEPPER] are detained on official business.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Georgia [Mr. GEORGE], the Senators from New York [Mr. MEAD and Mr. WAGNER], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Tennessee [Mr. STEWART], and the Senator from Massachusetts [Mr. WALSH] are detained on public business.

The Senator from Texas [Mr. O'DANIEL] is detained in one of the Government departments on matters pertaining to the State of Texas and is, therefore, necessarily absent. I am advised that if present and voting, he would vote "yea."

I also announce the following general pairs: the Senator from Alabama [Mr. BANKHEAD] with the Senator from Nebraska [Mr. BUTLER]; the Senator from New York [Mr. WAGNER] with the Senator from Kansas [Mr. REED]; and the Senator from Utah [Mr. THOMAS] with the Senator from New Hampshire [Mr. BRIDGES].

Mr. WHERRY. The Senator from Indiana [Mr. CAPEHART] is unavoidably absent because of injuries received in an accident.

The Senator from New Hampshire [Mr. BRIDGES], who is necessarily absent, has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from South Dakota [Mr. BUSHFIELD] and the Senator from Idaho [Mr. THOMAS] are absent because of illness.

The Senator from Kansas [Mr. REED] is detained on official business. He has a general pair with the Senator from New York [Mr. WAGNER].

The Senator from Nebraska [Mr. BUTLER], who is detained on official business, has a general pair with the Senator from Alabama [Mr. BANKHEAD].

The Senator from Vermont [Mr. AIKEN] has been excused for reasons heretofore stated.

The Senator from New Jersey [Mr. SMITH], who has been excused, is absent on business.

The Senator from Delaware [Mr. BUCK], the Senator from New Jersey [Mr. HAWKES], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Minnesota, [Mr. SHIPSTEAD], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent. The Sen-

ator from New Jersey [Mr. HAWKES] and the Senator from Massachusetts [Mr. SALTONSTALL] would vote "yea" if present.

The result was announced—yeas 36, nays 18, as follows:

YEAS—36

Andrews	Gurney	Morse
Austin	Hart	Overton
Ball	Hickenlooper	Radcliffe
Bilbo	Hoey	Revercomb
Brewster	Johnson, Colo.	Robertson
Brooks	Knowland	Taft
Capper	McClellan	Tunnell
Connally	McKellar	Wherry
Cordon	Magnuson	Wiley
Eastland	Maybank	Willis
Ellender	Millikin	Wilson
Fulbright	Moore	Young

NAYS—18

Barkley	Hayden	Murdock
Byrd	Hill	Myers
Donnell	Huffman	Russell
Ferguson	Johnston, S. C.	Taylor
Gerry	La Follette	Vandenberg
Hatch	Langer	Wheeler

NOT VOTING—41

Aiken	Green	Reed
Bailey	Guffey	Saltonstall
Bankhead	Hawkes	Shipstead
Bridges	Kilgore	Smith
Briggs	Lucas	Stewart
Buck	McCarran	Thomas, Idaho
Bushfield	McFarland	Thomas, Okla.
Butler	McMahon	Thomas, Utah
Capehart	Mead	Tobey
Carville	Mitchell	Tydings
Chavez	Murray	Wagner
Downey	O'Daniel	Walsh
George	O'Mahoney	White
Glass	Pepper	

So Mr. OVERTON's amendment to the committee amendment was agreed to.

Mr. TAFT obtained the floor.

Mr. OVERTON. Mr. President, will the Senator yield to me to make a motion?

Mr. TAFT. I prefer to proceed with my remarks. I should be glad to yield for a question, but not for any action.

Mr. OVERTON. There will be no debate in connection with the motion.

Mr. TAFT. The motion is debatable, with due respect to the Senator.

Mr. OVERTON. I assure the Senator that if any debate ensues, I shall withdraw the motion.

Mr. TAFT. I yield.

Mr. OVERTON. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. WHERRY. I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nebraska to lay on the table the motion of the Senator from Louisiana.

The motion to lay on the table was agreed to.

Mr. TAFT. Mr. President, the bill which is now before the Senate deals with a vitally important subject, one about as important, in my opinion, as anything the Senate has had before it, certainly since we have returned from the summer vacation. I think it is most unfortunate that very few Senators have been on the floor during the debate, that very few Senators, apparently, take any interest, though the bill involves a vitally important proposal, that of delegating a large part of our legislative power to the President of the United States.

We are asked to delegate to the President one of the most important legislative functions given to the Congress by the Constitution of the United States.

The organization of the departments and the entire executive administration, the division of powers and the exact manner in which they shall be exercised, the extent of those powers and the restraints upon them, have been the subject of legislative action since the Constitution was adopted. Many of the most extensive debates and bitter contests which have taken place in Congress for 100 years have dealt with these subjects. I need refer only to the recent transfer of the RFC from the Department of Commerce to the Federal Loan Agency, the recent action in taking the Rural Electrification Administration from the Department of Agriculture and making it independent, because we felt it was being interfered with due to political considerations, as examples within a recent brief period.

The authors of the original bill and of the committee amendment both admit this, in effect, by the curious provision permitting Congress as a whole, or either House of Congress, to veto action taken by the President under authority of the proposed bill. Whatever the Constitutional situation, it is quite clear that the authors of the bill feel that Congress should not delegate this power without restriction, but should reserve some power of further approval. I think we must all agree that, in effect, the business of reorganization and the creation of bureaus in departments is a legislative function.

We are asked to delegate this power, apparently, on the ground that Congress is incompetent to deal with a problem clearly imposed upon it by the Constitution. The argument is that the opposition of the bureaus is so strong that wise consolidation cannot be enacted into law.

Undoubtedly, Mr. President, Congress has been negligent in its dealing with this subject from an over-all standpoint. It has added one bureau after another without coordinating their activities or carefully planning to prevent duplication. But I do not agree that it need necessarily continue to be negligent. I believe that a committee of the Congress, with the assistance of the Executive, should formulate a plan of reorganization and, submitting it in sections to the Congress, secure approval if it is in fact a sound plan. I think we should at this time formulate such a plan, setting up the basic structure of the postwar government, and leaving some discretion to the President, within the basic outline which we establish, to improve and coordinate. Since I have been in Congress, no attempt has been made to work out legislation for a sound plan of reorganization, and I do not admit that we would fail in that test. Certainly it is no more complicated than the atomic bomb or the formulation of a United Nations organization.

However, Mr. President, I do not greatly object to the pending bill with the committee amendment, because it does not transfer from the Senate the ultimate power of passing on any reorganization plan proposed. It merely transfers the formulation of the plan to the Executive, and leaves to us in the Senate the power to veto that plan, just as we

might disapprove any plan proposed by a committee.

I think this would be better accomplished if the amendment of the distinguished senior Senator from Missouri [Mr. DONNELL] were adopted, so that we would pass upon the question in an affirmative way. His amendment, which will be offered, provides that a joint resolution must be adopted by both Houses of Congress in order to approve any plan submitted by the President. I think that would be more in accordance with the Constitution.

Mr. DONNELL. Mr. President will the Senator yield?

Mr. TAFT. I yield.

Mr. DONNELL. In view of the Senator's reference to the proposed amendment, I inquire whether he would have objection if the amendment might now be considered as having been offered and as being before the Senate.

Mr. TAFT. I yield to the Senator for the purpose of offering the amendment.

Mr. DONNELL. Mr. President, I offer the amendment to which the distinguished Senator from Ohio has referred, and which has already been sent to the desk in printed form.

Mr. TAFT. I ask that the amendment be read at this time.

The PRESIDING OFFICER. The clerk will read.

The CHIEF CLERK. In the committee amendment on page 14, beginning with line 23, it is proposed to strike out all down to and including line 14 on page 15, and to insert in lieu thereof the following:

SEC. 4. (a) No reorganization specified in the plan shall take effect until there shall have been enacted a joint resolution approving the plan or a part thereof. In the event such joint resolution approves the plan, each of the reorganizations specified in the plan shall take effect on the date of enactment of such joint resolution or on the date specified pursuant to subsection (b) with respect to any particular reorganization, whichever may be the later date. In the event such joint resolution approves only a portion of the reorganizations specified in the plan, each of the reorganizations approved shall take effect on the date of enactment of such joint resolution or on the date specified pursuant to subsection (b) with respect to any particular reorganization, whichever may be the later date.

On page 15, line 21, after the period insert the following: "If only a portion of the reorganization specified in the plan take effect, so much of the reorganization plan as relates to those reorganizations shall be so printed."

On page 18, beginning with line 13, strike out all down to the end of the bill.

Mr. TAFT. Mr. President, I may point out that the adoption of the method proposed by the Senator from Missouri for dealing with a reorganization plan submitted by the President would meet all constitutional objections. It is said that the committee amendment is unconstitutional because it gives either House the right to veto. It seems to me it is obvious that if that is unconstitutional it is just as unconstitutional to adopt the terms of the original bill which provides that the two Houses together may veto; because that is no more a legislative act than the action of one House.

As a matter of fact, I doubt whether in effect this proposal goes to the same provision as the committee amendment. It would require action by both Houses and if either House disapproved, then the proposal could not become law. I think it meets the constitutional objection, and I could support the bill only if we retain at least the substance of our right to veto any change in the organizations and powers which we, the Congress of the United States, have heretofore established.

Mr. President, I am in full accord with the idea of changing the rules of the Senate so that plans of this kind shall be passed upon, so that we may no longer have any difficulty with the problem of amendment or with problems of delay in acting on such questions. I am glad if we impose upon ourselves the restrictions which we do under this bill to assure a prompt consideration of these measures. Unfortunately, I do not think the provisions of the existing bill do that very well.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. MURDOCK. I understand the amendment of the Senator from Missouri which the distinguished Senator from Ohio seems enthusiastically to support, strikes out that entire provision.

Mr. TAFT. I did not study that part of the amendment, but in any event in my opinion we should adopt the definite rule.

Mr. MURDOCK. If I understand the Senator he certainly does not agree to that part of the amendment proposed by the Senator from Missouri.

Mr. TAFT. No; I think the Senator from Utah is correct. I think we should impose rules upon ourselves because I think the difficulty has been not so much the inability of the Congress to formulate a plan of reorganization as the fact that when such a plan is presented one amendment after another, such as that of the Senator from Louisiana [Mr. OVERTON], which was adopted, is presented, until the whole over-all conception is changed.

I am quite willing that we limit ourselves; that we shall not have the right to amend; that we shall pass on the plan as it is submitted to us, and say "Yes" or "No." Furthermore we should provide that the question shall come definitely to a vote.

In that regard it seems to me that title II, which deals with the rules, imposes a rather difficult task on those who may be trying to get a vote on a resolution disapproving a proposed reorganization. The resolution goes to a committee. If the committee does not report it, the committee does not do anything. That is likely to happen. If the chairman is in favor of the plan he does not call a meeting of the committee. Then it is necessary to make a motion to discharge the committee from further consideration of the resolution. Then it is necessary to make a motion to take up the measure. While attempts are made to impose restrictions on filibuster and delay, we all know that even under the cloture rule and other procedures it is

not at all certain that we can successfully stop filibusters.

The Senator from Michigan has an amendment which proposes very simply that when a joint resolution to approve or to disapprove is introduced, if the amendment of the Senator from Missouri is adopted, it would go to the committee, but 10 days after that time it would become the special order of business in the Senate of the United States. I think that would be a great improvement in the matter of rules.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. MURDOCK. If the Senator will indulge me for a few minutes, let us look at what the amendment of the Senator from Michigan does. It provides that automatically at a certain time the resolution concerning the reorganization plan shall come to the floor for debate. Then it provides that automatically at a certain hour there shall be a vote on the resolution. The Senator can certainly see that that type of procedure simply would not work. Suppose someone who opposed the resolution should obtain the floor; under the amendment of the Senator from Michigan he could use the entire time from the beginning of debate to the close, and then there would have to be a vote taken by the Senate without any other Senator having a right to speak at all.

Mr. President, it is an easy thing to rush in with amendments and try to change a plan that has been well thought out, but I call attention to the fact that in the amendment offered by the Senator from Missouri the Senator from Ohio was not cognizant of what that amendment did. I am sure he was not familiar and is not familiar with all the implications of the amendment offered by the Senator from Michigan. I want to expedite to the utmost extent consideration of a resolution which might be presented, but I do not want to do it by some haphazard method which has not been well thought out. I am sure the Senator does not want to do so either.

Mr. TAFT. Mr. President, these amendments are not actually before the Senate, and I shall be glad to debate the details of the amendments when they are before the Senate, but the substance of what I have said is, I think, true. The Senator suggests, I take it, that the Senator from Michigan has left out the provision contained in the pending bill to divide time equally. I think it ought to be included in the amendment of the Senator from Michigan, if that is what the Senator is concerned about.

Mr. MURDOCK. That is what I mean. That is only one defect in it, however.

Mr. TAFT. On the other hand, I think it is wrong to require the opponents of a reorganization plan to assume the burden, first, of a motion to discharge the committee; second, of a motion to bring up the bill; and, third, the debate itself on the reorganization plan. They are at a considerable handicap. A motion to discharge a committee is always a difficult one to adopt in the Senate of the United States. Here is a case where the committee has 10 days to consider. They may only meet once. It is not at all cer-

tain that the chairman will even call the committee together. I do not believe that burden ought to be imposed. It seems to me that if we are to make a rule to bring the matter to a vote without possibility of amendment, it ought to be brought up on a certain day after it is submitted, and disposed of, yes or no.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. DONNELL. The Senator from Utah referred to the fact that the amendment I offered a few moments ago does not include title II or the equivalent of it as it appears in Senate bill 1120. That is correct because of the fact that the bill is based upon the theory that the President may transmit a plan which upon receipt, unless something is affirmatively done by Congress, shall become law. Consequently, the amendment which I have submitted, which would require passage of a joint resolution, would not be met by title II.

I have no objection, however, to the inclusion of a section corresponding to title II to cover the situation presented by the plan which I have submitted; and, if I may have unanimous consent to do so, I now send to the desk a further amendment which incorporates a plan for a special and speedy consideration of the question.

Mr. TAFT. I take it the Senator from Missouri desires to modify his amendment to include such a provision?

Mr. DONNELL. I do.

Mr. TAFT. Mr. President, I want only to make the point that I think it is important—indeed, that it is the most important point if effective reorganization is to be achieved—that a comprehensive, over-all plan should be formulated and drafted, with consideration for all the different agencies concerned, and worked out as a consistent plan, and then rules should be provided to enable us to determine for ourselves that we will vote “yes” or “no” on that plan. I think that is an important feature of the bill and should necessarily be retained. I think if we do that it will eliminate most of the reasons which in the past have perhaps interfered with the passage of effective legislation.

Under such rules, President Roosevelt submitted a considerable number of reorganization plans under the Reorganization Act of 1939. Every one of those plans would have been enacted under the provisions of the committee amendment with the exception, I think, of one. It was possible, in other words, for the President to get both Houses to agree to all but one of the reorganization plans which he submitted. So I believe that the contention that the Congress will not adopt a reorganization plan is no longer valid.

It is doubtful whether that one plan should have been approved. It was approved, as a matter of fact. I think it was the one which to a large extent destroyed the independence of the Civil Aeronautics Board. But I think that is the only one the approval of which would have been prevented by the provisions of the committee amendment or the Donnell amendment which is now before the Senate.

We cannot assume that everything the Executive recommends is necessarily right. In fact, under the unlimited powers of the First War Powers Act, the President has been shifting departments and bureaus in such a way and so fast as to demoralize and seriously interfere with the effectiveness of many bureaus. Changes have been made solely to meet personality problems, or indirectly to change policies which the President did not approve, and with respect to which he did not care to say directly to the agency that he wished to have them changed. There should be some stability about Government organization if it is to be effective.

Mr. President, I shall offer an amendment which reads as follows:

Provided, That no reorganization plan submitted shall contain any disposition in conflict with any act of Congress passed after January 1, 1943, dealing expressly with the creation, transfer, consolidation, or coordination of any agency or the distribution or coordination of powers or functions between agencies or within any agency.

It seems clear to me that the President should not be able in any plan to reverse action taken by Congress within a few years, after careful consideration. I believe that the President should accept the verdict of Congress and design his plans with care and deliberation within the limits which Congress has so recently determined. After several years perhaps conditions will have changed, and the same principles need not apply.

It may be argued that we still retain a veto power, but the President could tie up a reversal of a recent congressional action with a number of very desirable improvements, and thus prevent Congress from insisting on the decision which it had already reached.

Let me refer to a number of examples. Last January we passed a bill to take the RFC from the Department of Commerce and restore it to the Federal Loan Agency. The conditions which led to our decision have not changed.

Last spring we passed a bill to take the Rural Electrification Administration from the Department of Agriculture and set it up as an independent agency. If those decisions are reversed today, or within a few years after their adoption, it seems to me that it should be done by specific act of Congress. And yet under the terms of the bill, the moment it was enacted the President could wrap up a fine reorganization plan and include in the plan the return of the RFC to the Department of Commerce, or the return of the REA to the Department of Agriculture, and we should be confronted either with rejecting a good plan or deliberately swallowing the decision which the Congress recently made.

The Congress recently established the Smaller War Plants Corporation to make loans to small business. It was felt that the RFC, dealing in huge figures, would not take much interest in making loans to minor concerns; and it did not. Under this plan the President could merge the Smaller War Plants Corporation in the RFC and completely destroy the purpose of Congress.

In this connection, the President is even given power to abolish functions.

Surely he should not be able to abolish a function established by Congress within the past year or two, after deliberate study. The idea is that he should be able to abolish obsolete agencies. On the other hand, if we have deliberately established an activity within the past 2 years, it seems to me that we certainly should not now grant the power to nullify what the Congress has chosen to do.

Even more important than the transfer of bureaus is the distribution of powers within bureaus. The Senate Committee on Education and Labor has just been considering a bill to provide Federal aid for the construction of hospitals. We now find the bill on the Senate calendar. We gave great consideration to the powers of the Surgeon General, and had conflicting testimony on that subject. We finally decided that in certain respects, particularly in the making of regulations prescribing standards, his action should be subject to the approval of a Federal Hospital Council, containing a number of experts on the subject. I very much hope that the Congress may enact that bill within the next month.

The moment after that law was enacted, under the terms of the pending bill the President could submit a reorganization plan abolishing the Federal Hospital Council and transferring all its powers to the Surgeon General or to the Federal Security Administrator. He could abolish the Office of Surgeon General, and turn the whole plan over to the Federal Works Administrator or the Social Security Board. Changes of this kind in a reorganization plan might be of minor importance, and likely to be dwarfed by the more important issues contained in the plan. It seems to me that when we deliberately adopt a policy, at least for 2 or 3 years after that time, the President should not be able to reverse the action taken by Congress after careful consideration. These are legislative questions, and we legislate about them every day in Congress. I do not believe that we should delegate to the President even the power to formulate and submit to us a plan which would deliberately reverse a recent action taken by Congress.

Take the Bretton Woods bill which we passed last summer. Many powers of the American representative on the fund and on the bank can only be exercised with the approval of a board made up of the Secretary of the Treasury, the Secretary of State, the Secretary of Commerce, the Chairman of the Federal Reserve Board, and the Chairman of the Export-Import Bank. The President could abolish the Board and give unrestricted power to one man to permit the sale in this country of \$9,000,000,000 of guaranteed foreign securities. The passage of the bill was largely obtained by carefully designed restrictions on the power of the American representative. Yet, now we propose to let the President abolish all those restrictions as part of a general reorganization plan.

With great deliberation, Congress established the independence of the Export-Import Bank, giving proper representation to the departments on its Board. If this bill is passed, it may be

transferred the next day to the State Department, or the Federal Reserve Board, or the Treasury, or it may be entirely abolished and its functions transferred to the Secretary of the Treasury.

Consider the problem of the Missouri Valley Authority and the manner in which the President might change the situation there. Under this bill he could transfer the Reclamation Service, or that part of its work dealing with the Missouri Valley, to the Army engineers. After the adoption of the amendment of the Senator from Louisiana [Mr. Overton], he could no longer transfer the Army engineers to the Reclamation Service. He could transfer the Federal Power Commission to the Army engineers or to the Reclamation Service. By such transfers he could determine the whole character of the development of the Missouri River, and he could do this the day after Congress had determined on the proper organization for Government work on the Missouri Valley and reverse any action taken by Congress.

We are now considering the establishment of a permanent National Housing Authority. While I favor a unified housing department, it is strongly opposed by many who desire the FHA and the Federal home-loan banks to be completely independent. We are trying to make them autonomous in many respects while retaining a unity in the entire department. The President could wipe out these restrictions and put the loaning agency under public housing, or vice versa, and he could do it the day after we worked out the policy, entirely reversing the action of Congress.

Senators will remember the soldiers' vote bill. It was passed with the assurance that the Army and Navy would administer it with complete impartiality, as they did, but the President could transfer soldiers' voting tomorrow to the Postmaster General if he wished to do so. He could transfer the War Food Administration to the OPA.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. JOHNSON of Colorado. I am interested in what the Senator says about transferring the Reclamation Service to the Missouri Valley Authority. There is no such thing as a Missouri Valley Authority, except in conversation.

Mr. TAFT. What I intended to say was that it could be transferred to the Army engineers, or that the President could transfer the Reclamation Service work in the Missouri Valley to the Army engineers, or unify it all under the Army engineers. After the adoption of the Overton amendment, the functions of the Army engineers could not be transferred. The whole thing could be put under the Federal Power Commission. In that way the President could, in effect, create a Missouri Valley Authority, because by concentrating all the work in the hands of the Federal Power Commission, the effect would be the creation of a Missouri Valley Authority.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. BYRD. Does the Senator from Ohio contend that the President could

appropriate money without an act of Congress?

Mr. TAFT. No.

Mr. BYRD. The Missouri Valley Authority would require enormous expenditures. An effective Missouri Valley Authority could not be created simply by transferring one bureau to another.

Mr. TAFT. So far as expenditures are concerned, we could put the appropriations in the rivers and harbors bill, or they could be put in a reclamation bill.

Mr. BYRD. Congress would have to do that.

Mr. TAFT. Congress could put the appropriations in all kinds of bills.

Mr. BYRD. I cannot let the statement stand unchallenged that a Missouri Valley Authority could be created by transfers.

Mr. TAFT. After the Missouri Valley Authority was created, it could not build a dam unless Congress authorized construction of the dam. The question of what can be done in the Missouri Valley is entirely different from the question of who is to do it. It seems to me that the creation of a Missouri Valley Authority is not so much a question of what is to be done as it is a question of who is to do it. Is it to be done with an interest in reclamation, an interest in navigation, or an interest in power? So far as appropriations are concerned, we can appropriate the money without having a Missouri Valley Authority. This bill would enable the President to convert the Reclamation Service into a Missouri Valley Authority if he should see fit to do so, exercising all the powers of the Army engineers, all the powers of the Federal Power Commission, and all the other Federal powers relating to the Missouri River.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. JOHNSON of Colorado. As the Western States see it, the danger in the proposed Missouri Valley Authority scheme is that under it the Federal Government would be given authority over the waters of the States. In connection with reclamation activities, the Reclamation Service only develops the waters for the citizens of the State. It never takes ownership.

Mr. TAFT. I agree with the Senator that this bill could not affect the powers of the Federal Government over the States. So far as that objection to the bill is concerned, my statement does not apply.

Mr. President, the examples which I have given show the tremendous power which we are asked to delegate to the President of the United States. They illustrate the fact that unless we are going to abdicate our duties as well as our proper functions, we must retain the right to approve proposals made by the President. Furthermore, I think it is clear that any action taken by Congress in this field should stand for 2 or 3 years without the proposal of changes which are linked up with such desirable changes that they practically have to be accepted.

In conclusion, Mr. President, I believe the Donnell amendment should be adopted. Although I shall vote for the

committee amendment if the Donnell amendment is rejected, because the ultimate theory of it is the same, I think the Donnell amendment is much more constitutional.

I feel very strongly that the adoption of my own amendment is necessary unless we are going to admit that the President can overrule Congress on matters of legislative policy. I feel that the procedure specified in the bill should be made more clear.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. BYRD. Does the Senator from Ohio propose to amend the proposal of the Senator from Missouri with respect to the—

Mr. TAFT. The Senator from Missouri has already amended his proposal.

Mr. BYRD. He has not amended it with respect to recent legislation, though.

Mr. TAFT. No; that is my amendment.

Mr. BYRD. Is the Senator from Ohio offering that amendment as an amendment to the amendment of the Senator from Missouri?

Mr. TAFT. No; I shall offer my amendment when the proper time comes.

Mr. MURDOCK. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MURDOCK. Am I correct in understanding that the pending amendment is the one offered by the Senator from Missouri [Mr. DONNELL]?

The PRESIDENT pro tempore. The pending amendment is the amendment of the Senator from Missouri, as modified.

Mr. DONNELL. Mr. President, the amendment I have submitted, as modified in order to cover the point which was mentioned by the distinguished junior Senator from Utah and which was concurred by the distinguished senior Senator from Ohio, has been sent forward to the desk. The printed amendment which was submitted earlier today contains the matters of substantive law, as I esteem them to be, as distinguished from procedural matters. At this time I shall discuss both the substantive matter and the procedural matter embraced in the amendment now under consideration.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. REVERCOMB. Will the Senator, for the information of some of us, read the proposed amendment which is now under discussion?

Mr. DONNELL. Yes, Mr. President; I shall be pleased to do so. Senators who have the printed copies of the amendment as submitted earlier today will find it helpful, doubtless, to read the earlier portion of the amendment from the printed copy. The amendment as now modified is as follows:

Beginning on page 14, line 23, strike out all down to and including line 14 on page 15—

Which is section 4 (a)—

and insert in lieu thereof the following:

"SEC. 4. (a) No reorganization specified in the plan shall take effect until there shall

have been enacted a joint resolution approving the plan or a part thereof. In the event such joint resolution approves the plan, each of the reorganizations specified in the plan shall take effect on the date of enactment of such joint resolution or on the date specified pursuant to subsection (b) with respect to any particular reorganization, whichever may be the later date. In the event such joint resolution approves only a portion of the reorganizations specified in the plan, each of the reorganizations approved shall take effect on the date of enactment of such joint resolution or on the date specified pursuant to subsection (b) with respect to any particular reorganization, whichever may be the later date."

Then, Mr. President, the amendment proceeds by providing that—

On page 15, line 21, after the period, insert the following: "If only a portion of the reorganizations specified in the plan take effect, so much of the reorganization plan as relates to those reorganizations shall be so printed."

Mr. President, the modification submitted a few moments ago, which I shall call the procedural portion of the amendment, necessarily is somewhat tedious because of its length. However, I shall read it as expeditiously as possible, and I trust that its meaning will appear as I proceed. In substance, the purpose of the procedural portion of the amendment is to provide for covering the situation with which the substantive portion of my amendment deals, namely, the proposal that no reorganization specified in the plan shall take effect until there shall have been enacted a joint resolution approving the plan or a part thereof.

The bill as it now is pending with the committee amendment covers the converse situation, which I think should be stricken out, namely, the provision for a resolution to the effect that the particular House—either the Senate or the House of Representatives—does not favor the reorganization plan.

So, Mr. President, as I read the procedural portion of the amendment which I have offered, I ask Senators to bear in mind the fact that it covers the point that before a proposed plan is binding it shall first have been approved by affirmative action of the Congress. The procedural portion reads as follows:

On page 19, beginning with line 4, strike out all down to and including line 14, and insert in lieu thereof the following:

"SEC. 202. As used in this title, the term 'resolution' means only a joint resolution, the matter after the resolving clause of which is as follows: 'That the Congress approves [the following portions of] the reorganization plan No. —, transmitted to Congress by the President on —, 19—,' the blank spaces therein being appropriately filled and the matter in brackets being used or not used as may be appropriate in the particular case. In the event the matter in brackets is used, a colon and appropriate language defining the portions of the plan approved shall be inserted after the date in the resolution. As used in this title, the term 'resolution' does not include a joint resolution which specifies more than one reorganization plan."

Then, Mr. President, the amendment further proceeds with various other details which are necessary in order to harmonize with the earlier portion. They read as follows:

On page 19, in line 19, after the period, insert the following:

"If the committee to which a resolution is referred decides to report such resolution, it may report such resolution as referred or may report it with an amendment or with amendments, but no such amendment or amendments shall change the form of such resolution as provided for by section 202 or make it applicable to more than one reorganization plan."

Then—

On page 20, in line 3, after the word "other", insert "Identically worded."

Mr. BYRD. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. BYRD. I should like to have a clear understanding of the Senator's amendment. Do I correctly understand that, under the amendment, when the President sends a reorganization plan to the Congress, the Congress can amend it?

Mr. DONNELL. To this extent: If for instance, a plan consisting of items 1 to 8 is submitted, Congress would, under this plan, be entitled to say, "We will approve items 1, 2, 3 and 4, but not items 5, 6, 7, and 8."

But the amendment would not permit the the incorporation of two reorganization plans. The only effect of the portion of the amendment to which I have referred is that Congress may select portions of the reorganization plan, rather than to take all of the reorganization plan, if it desires so to do.

Mr. BYRD. Could Congress insert any new matter in a Presidential plan?

Mr. DONNELL. No. Congress would have to take the plan as submitted, and either adopt all of it or portions of it, but not some additional plan.

Then—

On page 20, in line 7, strike out "a" and insert in lieu thereof "an identically worded."

On page 20, in line 17, after the word "through", insert "Identically worded."

Finally, on page 21, beginning in line 3, strike out all down to and including line 9—

That is to say, subdivision (b) of the present section 205—

and insert in lieu thereof the following:

"(b) Amendments to the resolution, except amendments changing the form of the resolution as provided for by section 202 or making the resolution applicable to more than one reorganization plan, shall be in order. Debate on the resolution and on all appropriate amendments thereto shall be limited to not exceed 20 hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No motion to recommit the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution or any amendment thereto is agreed to or disagreed to."

Mr. President, the basis of the substantive portion and, in fact, also the procedural portion—

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. REVERCOMB. As I understand the amendment offered by the Senator from Missouri, no 60-day limitation is placed upon the Congress for consideration of the joint resolution.

Mr. DONNELL. That is correct.

Mr. REVERCOMB. I am glad to hear that.

Mr. DONNELL. Mr. President, the basis of the proposed amendment is that the bill, in its present form before the Senate, constitutes in my opinion, and was so indicated yesterday, a clear delegation of legislative power to the President, and therefore violates the Constitution of the United States. The purpose of the amendment is to remove the delegation of legislative power, and to require that any reorganization shall be accomplished through the constitutional exercise of legislative power. That the bill constitutes a delegation of legislative power is affirmatively and repeatedly stated in the report of the Judiciary Committee. I recall with much interest the very able discussion by the Senator from Utah [Mr. MURDOCK] yesterday afternoon in which he took the position that there is no delegation of legislative power. I invite the attention of the Senate to the fact that the report of the Committee on the Judiciary, every member of which I believe is a distinguished lawyer, contains on page 3 the following language:

In an effort to achieve the practical objectives of reorganization of the executive branch, this bill provides that part of the legislative power of the Congress shall be delegated to the President, and that the action of the President, taken in the exercise of the legislative power so delegated, shall be the law of the land unless it be set aside by a resolution passed by a majority vote of either House.

Can it be seriously contended, Mr. President, that the Judiciary Committee, consisting entirely of distinguished lawyers, did not mean that there was a delegation of legislative power when, within the very sentence which I have read, the expression "legislative power" occurs twice? But perhaps it might be a mere inadvertence that such reference appears in that one sentence. Let us proceed to the next paragraph in which the Judiciary Committee has said:

Such a delegation of legislative power does not operate to deprive either House of the Congress of its constitutional right to have no change made in the law relating to organization of the Government without the assent of at least a majority of its members present and voting.

And so, Mr. President, we find that within those two paragraphs three distinct references have been made to a delegation of legislative power to the President of the United States. But, perchance, there might have been some error in those two sentences, I proceed with the next paragraph:

Under this bill either House of the Congress, upon seeing precisely how the President proposes to exercise—

What?—

The general power delegated to him by this bill, will have, in effect, its own independent right to veto the Presidential action; and thus to retain the essential authority vested in it by the Constitution.

But not only do these references to the delegation of legislative power from the Congress to the President occur in the committee report, but I proceed to the next page wherein I read as follows:

It seems apparent that the President will make large use of the Bureau of the Budget in exercising the legislative power respect-

ing reorganization which this bill delegates to him.

I proceed further into the next paragraph of the committee report, and I read as follows:

In delegating certain legislative power to the President, this bill exempts from the exercise of such power the General Accounting Office and the Comptroller General and certain independent regulatory agencies.

Mr. President, here are five distinct and separate sentences in which there appears a reference to the power delegated to the President, and in four of those sentences there is a specific mention of power as being legislative power which is delegated by the bill to the President of the United States.

So, Mr. President, when I undertake to assert on the floor of the Senate that this bill constitutes a delegation of legislative power to the President, I have strong authority in favor of the position which I take, namely, authority from the Judiciary Committee, with reference to which I find not a single member of the committee who signed the report taking a contrary view. Only the distinguished Senator from Utah, who so clearly expressed his views yesterday, has taken thus far upon the Senate floor an attitude contrary to that which is expressed in the report of the Committee on the Judiciary.

Mr. President, we start with the proposition that the Committee on the Judiciary, composed of experienced lawyers and distinguished Members of the Senate of the United States, have come forward with statements, one after another, as I have indicated, to the effect that under this bill there will be a delegation of legislative power to the President of the United States. But there was no error on the part of the Committee on the Judiciary in so stating. For the bill itself clearly shows that, in fact, there is a delegation of such power to the President.

I invite attention to only a few words in the bill which, to my mind, are conclusive of the proposition. I refer to page 12 of the bill, section 3 (a), beginning in line 3, and read as follows:

Whenever the President, after investigation, finds that—

And so forth. I shall refer to it in a moment—
he shall prepare a reorganization plan.

Congress does not prepare the reorganization plan. It is not prepared following a recommendation of the President of the United States. Congress does nothing up to that point.

He—

The President of the United States—
shall prepare a reorganization plan.

That is a function which is ordinarily performed, at least in theory, by the Congress of the United States. I refer to the preparation of legislation. But the bill provides that the President shall prepare the reorganization plan.

On the next page, beginning in line 2, the bill provides that the President "shall transmit such plan to the Congress, together with a declaration" mentioned in that section.

So we find the President on the one hand preparing a plan and on the other hand transmitting it to two Houses of Congress.

Let us now turn over to page 14, line 23, and read:

Section 4 (a). The reorganization specified in the plan shall take effect, in accordance with the plan—

And so forth. Not in the event that Congress does something itself, but the plan shall take effect if Congress does nothing. In other words, the only action which is thus far taken by anybody is taken by the President who has first prepared the plan and then submitted it to Congress.

Under section 4 (a) the reorganization specified in the plan shall take effect if Congress does nothing. If we sit here and do not do one solitary thing, the plan prepared by the President of the United States becomes the law of the land, and overturns and supersedes legislation which may previously have been enacted by Congress. If there could be any clearer illustration of legislative process than the process to which I have referred, namely the preparation of the bill, the preparation of the plan, the transmittal of the plan, and the subsequent taking effect of the plan, without one single act of any kind, nature, or description, having been performed by Congress, I am at a loss to know where it could be found. There could not be a better illustration of the delegation of legislative power.

Mr. President, I am not unmindful of the exceedingly interesting argument which was presented yesterday by the Senator from Utah [Mr. MURDOCK] to the general effect that the power which the President will exercise pursuant to this bill, if enacted, will not be legislative power, because no legislative power has been delegated to him.

I again invite the attention of the Senate to the fact that the very committee of which the distinguished Senator from Utah is a member stated time and time again, as I read a few moments ago, that there is a delegation of legislative power to the President of the United States.

Mr. President, it is contended by the distinguished Senator from Utah that this bill sets forth standards for the action of the President, and that in carrying out the provisions of the bill he is employing executive and not legislative power. I should like to examine as briefly as possible the bill for the purpose of determining whether or not it does provide standards of the nature referred to by the distinguished Senator from Utah.

Section 3 of the bill undertakes to state what it is necessary for the President to do before he prepares the reorganization plan. The language on that point consumes nearly all of page 12 of the bill. The gist of it is that he must, in order to be entitled to prepare a plan, make a finding. What is that finding? It is a finding that a transfer, a consolidation, a coordination or abolition in whole or in part of an agency or a function is necessary or desirable in order to accomplish one or more of the purposes of section 1 (a). Those purposes

are as broad as the limits of human language.

Let me read one of the subdivisions of section 1 (a). I refer to subdivision 7, which states one of the things upon which the President may base the preparation of his plan. He does not have to find all seven of these things. If he finds any one of them, he may prepare a plan after having so found.

What does the provision say? It refers to a limitation, by the way, contained in subsection (d) of section 4, which pertains solely to the fact that—

No reorganization specified in a reorganization plan shall take effect unless the plan is transmitted to the Congress before July 1, 1947.

So this limitation to which I refer is merely one of time. But this is what the President may base the preparation of his plan upon: He shall determine what changes in the organization of the agencies of Government are necessary to—

Provide for making currently and continuously * * * such adjustments in the Government establishments as may be necessary or desirable in the interests of economy and efficiency.

Is there any possibility of that provision creating the standard to which the distinguished Senator from Utah referred yesterday? If the President finds that a certain change is necessary or desirable in the interests of economy and efficiency he may prepare a plan.

I refer also to similarly broad language elsewhere in section 1. He shall determine what changes in the governmental organization are necessary to "facilitate orderly transition from war to peace."

He is to determine what changes are necessary to "increase the efficiency of the operations of the Government to the fullest extent practicable."

I shall not read the other provisions. They are similarly broad.

The point to which I add emphasis at this time is that these requirements upon the President of the United States, which are termed "standards" by the distinguished Senator from Utah, are as broad as the limits of human language, and that they do not determine with any preciseness or particularity any rule which must be followed by the President. The very language to which I have referred itself clearly corroborates the judgment of the Committee on the Judiciary in saying that there is a delegation of legislative power.

The only prohibition, by the way, that is made against the plan with regard to which the President may act is that which is set forth in section 2, and relates largely to the time to which functions may be extended or agencies may be extended. It relates also to the fact that there may not be an abolition of executive departments, that a new function may not be created, that quasi judicial agencies shall be preserved, and so forth.

There is not in the pending bill, however, from cover to cover, any precise and definite standard set up, as is true in the case, for illustration, of the Interstate Commerce Commission, the Radio Commission, and other agencies to which I might refer, which are illustrations of the exercise by Congress of legislative power, at the same time giving

directions to the Executive as to standards which it shall follow in carrying out the powers set forth in the law.

Under the pending bill, subject only to the broad, general considerations to which I have referred, the consideration, for instance, that in his opinion the reorganization would increase efficiency, the words which I mentioned a few moments ago, the President may consolidate, for instance, the Civil Service Commission and the United States Employment Compensation Commission, or he may not do so. There is no standard under which he is to determine whether in the case of those two commissions he shall or shall not consolidate their functions. He may transfer the National Advisory Committee for Aeronautics from the War Department, or he may not do so. He may transfer it into the Navy Department, or he may not do so. He may transfer it into the State Department or any other executive department of Government, or he may not do so.

These particular illustrations are cases in which functions and commissions and committees have been created by act of Congress; yet the President, by his ipsi dixit, without the necessity of finding anything except the broad, general things to which I have referred, may make the consolidations, the changes, which he deems proper.

So, Mr. President, I undertake to say that the bill creates no standards which would make the action proposed not a delegation of legislative power. Clearly, in my judgment, it is a delegation of legislative power, as stated time and time again by the Committee on the Judiciary, as I have shown.

There is one decision of the Supreme Court of the United States with which we are all familiar. I shall not undertake to read it in great detail, but I have it before me, and I refer to it because of the very striking similarity between that case and the one which the Senate is considering.

I refer to the famous NRA case, the case of Schechter Corp. against United States, reported in Two Hundred and Ninety-fifth United States Reports, at page 495, in which the Supreme Court of the United States declared the codes of so-called fair competition to be unconstitutional and void because they embodied the exercise of an unconstitutionally delegated legislative power, in this case especially the poultry code.

The President, if he should find the following things, was authorized to make the code: If he found that such associations or groups which applied for the code "impose no inequitable restrictions on admission to membership therein and are truly representative"; if he found that the codes themselves "are not designed 'to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, but will tend to effectuate the policy' of title I" of the National Industrial Recovery Act, he was authorized to prepare and promulgate the code.

The policy that is referred to in title I of the National Industrial Recovery Act is defined by the Court at page 534 of the decision. I shall read only a very small portion of it. I read it, however, be-

cause it is so closely akin to the situation which is presented in the case now before the Senate. Says the Court:

For a statement of authorized objectives and content of the "codes of fair competition" we are referred repeatedly to the "declaration of policy" in section 1 of title I of the Recovery Act. Thus, the approval of a code by the President is conditioned on his finding that "it will tend to effectuate the policy of this title."

Then the Court undertakes to say what policy is, and here is the language:

It is there declared to be "the policy of Congress"—

To remove obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof; and to provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, to induce and maintain united action of labor and management under adequate governmental sanctions and supervision, to eliminate unfair competitive practices, to promote the fullest possible utilization of the present productive capacity of industries, to avoid undue restriction of production (except as may be temporarily required), to increase the consumption of industrial and agricultural products by increasing the purchasing power, to reduce and relieve unemployment, to improve standards of labor, and otherwise to rehabilitate industry and to conserve natural resources.

These, Mr. President, were the objectives, these were the so-called standards under which the National Industrial Recovery Act was undertaken to be sustained.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. MURDOCK. I regret to interrupt the Senator, but I take it his reference is to the Pan American case.

Mr. DONNELL. No; I have the Pan-American case, and shall come to it in a few moments. This is the Schechter case, in 295 United States Reports.

Returning to the case, the Court considers whether or not the board, general language such as that to which I have referred constitutes a standard. In this case there was a situation in which the Presidential decree permitted organization by trade and various other associations, and this is what the Court said:

Would it be seriously contended that Congress could delegate its legislative authority to trade or industrial associations or groups so as to empower them to enact the laws they deem to be wise and beneficent for the rehabilitation and expansion of their trade or industry? Could trade or industrial associations or groups be constituted legislative bodies for that purpose because such associations or groups are familiar with the problems of their enterprises?

Then says the Court:

Could an effort of that sort be made valid by such a preface of generalities as to permissible aims as we find in section 1 of title 1?

The Court continues:

The answer is obvious. Such a delegation of legislative power is unknown to our law and is utterly inconsistent with the constitutional prerogatives and duties of Congress.

Then, Mr. President, the Court undertakes to point out from the National Industrial Recovery Act itself what limita-

tions have been imposed upon the exercise of the President's discretion. The Court says substantially what I have indicated thus far. Then it uses this language:

But these restrictions leave virtually untouched the field of policy envisioned by section 1.

That is the precise effect of the further finding that the President is to make, that the code will tend to effectuate the policy of this title.

Then the Court says, which, as I take it, is very much in point in the case of the pending bill, because the bill now before the Senate requires the President to make certain findings. Section 3 of the bill provides that:

Whenever the President, after investigation, finds these various generalities which are specified to exist, he shall act.

This is what the Court says with respect to similarly broad general language in the NIRA case:

While this is called a finding, it is really but a statement of an opinion as to the general effect upon the promotion of trade or industry of a scheme of laws. These are the only findings which Congress has made essential in order to put into operation a legislative code having the aims described in the Declaration of Policy.

Hastening on in the case, I call attention to this further language on page 541:

Instead of prescribing rules of conduct, it—

That is, the law—

authorizes the making of codes to prescribe them. For that legislative undertaking, section 3 sets up no standards, aside from the statement of the general aims of rehabilitation, correction, and expansion described in section 1. In view of the scope of that broad declaration, and of the nature of the few restrictions that are imposed, the discretion of the President in approving or prescribing codes, and thus enacting laws for the government of trade and industry throughout the country, is virtually unfettered. We think that the code-making authority thus conferred is an unconstitutional delegation of legislative power.

Mr. President, the same thing is true of the bill which is now pending before the Senate. There are broad generalities in the bill which do not in any sense constitute standards of the preciseness and definiteness to which the Senator from Utah referred.

Does such a delegation of power violate the Constitution of the United States? I shall undertake to show that it clearly does. Article I, section 1, of the Constitution says:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

The section does not say that a part of the legislative powers shall be vested in Congress. It does not say that Congress shall have a right to dispose of or to delegate to someone else any portion of the legislative powers. All the legislative powers granted shall be vested in the Congress of the United States, consisting of a Senate and House of Representatives.

I take it that every lawyer in this body, and almost every nonlawyer in it, would concede the fact as a proposition independent of this bill that there cannot be a lawful delegation by the Congress to

another branch or organization or department of the Government of functions which exclusively belong to the Congress itself.

I quote merely a sentence from the case of O'Neal against United States, reported in 140 Federal, second series, page 912, in which the Circuit Court of Appeals for the Sixth Circuit says:

In carrying out the constitutional division of the powers, it is a breach of the fundamental law for Congress to transfer its legislative power to the President.

Then I come, Mr. President, to the case to which reference was made by the distinguished Senator from Utah a few moments ago, namely, the case of Panama Refining Co. against Ryan, 293 United States, reported at page 388 and following. I call attention particularly to the following language which was used by the Justice of the Supreme Court who handed down the decision of the case, namely, Chief Justice Hughes. It reads as follows at page 421:

The Constitution provides that "all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

Continuing he says:

And the Congress is empowered "to make all laws which shall be necessary and proper for carrying into execution" its general powers.

I continue to read:

The Congress manifestly is not permitted to abdicate, or to transfer to others, the essential legislative functions with which it is thus vested. Undoubtedly legislation must often be adapted to complex conditions involving a host of details with which the National Legislature cannot deal directly. The Constitution has never been regarded as denying to the Congress the necessary resources of flexibility and practicality, which will enable it to perform its function in laying down policies and establishing standards, while leaving to selected instrumentalities the making of subordinate rules within prescribed limits and the determination of facts to which the policy as declared by the legislature is to apply. Without capacity to give authorizations of that sort we should have the anomaly of a legislative power which in many circumstances calling for its exertion would be but a futility.

Then the court proceeds with this significant sentence:

But the constant recognition of the necessity and validity of such provisions, and the wide range of administrative authority which has been developed by means of them, cannot be allowed to obscure the limitations of the authority to delegate, if our constitutional system is to be maintained.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. MURDOCK. The Senator is now reading from the Panama Refining Co. case?

Mr. DONNELL. Yes.

Mr. MURDOCK. As I understand, the Senator construes the opinion in that case to say that the Congress cannot delegate its legislative powers to the Executive?

Mr. DONNELL. Clearly so, in my opinion, yes.

Mr. MURDOCK. I took that position as emphatically yesterday as I possibly

could, and I take it again today. I am fully in agreement with that position.

My position is that if the bill now before the Senate delegates essential legislative power, which I deny, then certainly the bill is unconstitutional under those decisions.

Mr. DONNELL. I thank the Senator from Utah for his observation. I understand his position exactly, namely, that this is not a delegation of legislative power because in his opinion standards are laid down under which the Executive must act. The view I take is that under the Schechter decision, the NIRA decision, it is perfectly clear that there are no standards laid down of the type, nature, or description which are essential to constitute a limitation and definition of the administrative duties which the executive department should perform. The Interstate Commerce Commission of course has the power to fix railroad rates, but there are definite, specific provisions which lay down the rules under which it must operate. The same is true with respect to the Federal Communications Commission, and also the Tariff Commission. All three of them are cited in the Schechter case. But when we come to a piece of so-called legislation which undertakes to lay down, as I see it, with due respect, in more or less oratorical language, broad channels in which the President may find that a certain reorganization may be necessary or desirable—and I quote from the bill—"in the interest of economy and efficiency," to say that that sets up a standard under which the Executive may act, to my mind, is utterly unsupportable under the decisions. It is unsupportable, Mr. President, by the very statement repeatedly made, as I have previously indicated, by the distinguished Committee on the Judiciary, which refers time and time again in its very interesting report to the delegation of power.

Mr. President, I shall take very few moments more. There is one statement in the report which to my mind is not correct. I have no doubt it is intended to be, but I think it is wrong. That is the paragraph on page 3 which says:

Such a delegation of legislative power—

That is to say the delegation of legislative power which the committee itself says is created by this bill—

does not operate to deprive either House of the Congress of its constitutional right to have no change made in the law relating to organization of the Government without the assent of at least a majority of its Members present and voting.

Mr. President, as I read the bill it says no such thing. As a matter of fact if the President prepares the plan and transmits it, it becomes law unless a majority of one House of the Congress shall determine it shall not become law. In other words there is no requirement in the bill, as will be indicated by this excerpt from the report, to the effect that before a plan devised by the President shall become law, it shall receive the support of the majority of the Members of Congress. A majority is required in order to overturn what he does, and if, for illustration, in this very body, there were a tie vote upon a reorganization

plan submitted by him, a situation, in other words, in which there was not a majority in favor of his proposal, under the bill the plan for reorganization would take effect and be the law of the land.

So I submit, Mr. President, that that statement in the report is in error.

In conclusion, I desire very briefly to recapitulate my view. My view is that the pending bill, S. 1120, is a clear delegation of power to the President of the United States. My view is that that proposition is established very clearly by decisions, particularly in the Schechter case to which I have referred.

My view is that under article I, section 1 of the Constitution of the United States, as stated repeatedly by the Supreme Court of the United States and other distinguished courts of our land, there cannot be validly a delegation of legislative power by Congress. We are elected to this body, Mr. President, for the purpose of carrying out our legislative duties, and for us to say to the President, "You may perform those duties, and then send to us whatever plan you have, and if we do not like it we will say so"—that is a clear abdication of our powers.

It is perfectly clear to my mind that when the Congress attempts to authorize the President to prepare and transmit a reorganization plan, which, if we do absolutely nothing about it and do not even listen to it, becomes the law of the land, that is an exercise by him of legislative power, and we will have abdicated the power which is vested in and imposed upon us by the Constitution of the United States.

Mr. President, in these days there may be some who raise a question as to the advisability of bringing constitutional questions into play. To my mind, we have not yet arrived at the point at which we can in justice either to the oath of office which we took or to our duties to the people of our country disregard the Constitution of the United States.

I quoted on the floor of the Senate the other day some remarks made in the Farewell Address of Washington. I shall not read them all, but there is a sentence or two which I think are appropriate and in point in this case. Washington said:

It is important, likewise, that the habits of thinking, in a free country, should inspire caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding, in the exercise of the powers of one department, to encroach upon another.

He might well have added the converse, namely, that it behooves us to see that in our country no branch of the Government undertake to abdicate the powers vested in it.

Proceeding further, he points out the importance of preserving reciprocal checks and balances in the exercise of power:

If, in the opinion of the people, the distribution or modification of the constitutional powers be, in any particular, wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are de-

stroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can, at any time, yield.

Some time ago I read a sentence or two from a former President of the United States. I shall close these remarks in opposition to the bill and in favor of the amendment which I have offered by quoting those words. In my judgment the amendment which I have offered properly provides that no plan shall become law unless by joint resolution of the Congress of the United States, which, of course, would require signature by the President of the United States. I undertake to say that the gentleman who wrote these words is entitled to respectful consideration. I quote from the words of President Coolidge, who wrote this with respect to the Constitution:

The Constitution of the United States is the final refuge of every right that is enjoyed by any American citizen. So long as it is observed, those rights will be secure. Whenever it falls into disrespect or disrepute, the end of orderly organized government, as we have known it for more than 125 years, will be at hand.

The Constitution represents a government of law. There is only one other form of authority, and that is a government of force. Americans must make their choice between these two. One signifies justice and liberty; the other tyranny and oppression. To live under the American Constitution, is the greatest political privilege that was ever accorded to the human race.

Mr. President, if the Congress passes the pending bill and sends it to the President, authorizing him to prepare a plan of reorganization and transmit it to Congress, and then, without one single solitary act being performed by Congress, it becomes the law of the land, you and I, Mr. President, if we vote for the bill, will have voted to abdicate the legislative power which is vested in the Congress of the United States. So this afternoon I plead for this amendment, which would leave in the Congress of the United States the function which it has. We can consider every recommendation which the President makes. We should respectfully consider his recommendations, and then determine whether or not we shall legislate the reorganizations which he proposes. The legislative responsibility rests upon our shoulders, and cannot be abdicated by us to the President of the United States or to any other person, branch, or department.

Mr. BREWSTER obtained the floor.

Mr. TAFT. Mr. President, will the Senator yield to me for the purpose of suggesting the absence of a quorum?

Mr. BREWSTER. I yield.

Mr. TAFT. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TUNNELL in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Andrews	Capper	Gerry
Austin	Connally	Green
Ball	Cordon	Gurney
Barkley	Donnell	Hart
Bilbo	Eastland	Hatch
Brewster	Ellender	Hayden
Brooks	Ferguson	Hickenlooper
Butler	Fulbright	Hill
Byrd	George	Hoey

Huffman	Millikin	Taft
Johnson, Colo.	Moore	Taylor
Johnston, S. C.	Morse	Tunnell
Knowland	Murdock	Vandenberg
La Follette	Overton	Wheeler
Langer	Radcliffe	Wherry
McClellan	Reed	Wiley
McKellar	Revercomb	Willis
Magnuson	Robertson	Wilson
Maybank	Russell	Young

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum is present.

PEARL HARBOR INVESTIGATION

Mr. BREWSTER. Mr. President, I desire to introduce a diversion from the matter which has been under discussion; but it seems desirable at this time to report to the Senate the situation with regard to the so-called Pearl Harbor investigation, for in recent days there have been developments which have given some concern to the members of the minority who are in some measure responsible for the investigation.

I wish to call attention first to the words of the majority leader in presenting the resolution on September 6. After referring to the varying reports from the Army and Navy, several of which had been submitted and were published on August 28, as I recall, by the President, with various additional reports by the Secretary of the Navy and the Secretary of War to the President, the majority leader had this to say:

But these reports, Mr. President, are confusing and conflicting when compared with one another, and to some extent contain contradictions and inconsistencies within themselves.

That is certainly a moderate statement.

The majority leader then said:

Under these circumstances it is not strange that widespread confusion and suspicion prevail among the American people and among the Members of Congress.

He went on to comment that the defenses of the members of the various forces who are charged with derelictions are themselves inconsistent and contradictory. So he proposed in his resolution, Senate Concurrent Resolution 27, which was adopted on that date, that—

The Congress itself should make its own thorough, impartial, and fearless inquiry into the facts and circumstances and conditions prevailing prior to and at the time of the Pearl Harbor attack.

He went on to say:

This inquiry, Mr. President, should be of such dignity and authenticity as to convince the Congress and the country and the world that no effort has been made to shield any person who may have been directly or indirectly responsible for this disaster, or to condemn unfairly or unjustly any person who was in authority, military, naval, or civilian, at the time or prior thereto.

He further said:

It should be conducted without partisanship or favoritism toward any responsible official, military, naval, or civilian, high or low, living or dead.

He concluded as follows:

It ought to be so complete and so fair that no person could doubt the good faith of the report and the findings made in it, or those who make it.

79TH CONGRESS
1ST SESSION

S. 1120

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2 (legislative day, OCTOBER 29), 1945

Ordered to be printed as modified

AMENDMENTS

Proposed by Mr. DONNELL to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes, viz:

1 On page 14, beginning with line 23, strike out all down
2 to and including line 14 on page 15 and insert in lie uthereof
3 the following:

4 “SEC. 4. (a) No reorganization specified in the plan
5 shall take effect until there shall have been enacted a joint
6 resolution approving the plan or a part thereof. In the
7 event such joint resolution approves the plan, each of the
8 reorganizations specified in the plan shall take effect on the
9 date of enactment of such joint resolution or on the date
10 specified pursuant to subsection (b) with respect to any

1 particular reorganization, whichever may be the later date.
 2 In the event such joint resolution approves only a portion
 3 of the reorganizations specified in the plan, each of the reor-
 4 ganizations approved shall take effect on the date of enact-
 5 ment of such joint resolution or on the date specified pursuant
 6 to subsection (b) with respect to any particular reorganiza-
 7 tion, whichever may be the later date.”

8 On page 15, line 21, after the period insert the follow-
 9 ing: “If only a portion of the reorganizations specified in
 10 the plan take effect, so much of the reorganization plan as
 11 relates to those reorganizations shall be so printed.”

12 On page 19, beginning with line 4, strike out all down
 13 to and including line 14 and insert in lieu thereof the
 14 following:

15 “SEC. 202. As used in this title, the term ‘resolution’
 16 means only a joint resolution, the matter after the resolving
 17 clause of which is as follows: ‘That the Congress approves
 18 [the following portions of] the reorganization plan num-
 19 bered — transmitted to Congress by the President on
 20 ——— —, 19—’, the blank spaces therein being
 21 appropriately filled and the matter in brackets being used
 22 or not used as may be appropriate in the particular case.
 23 In the event the matter in brackets is used, a colon and
 24 appropriate language defining the portions of the plan ap-
 25 proved shall be inserted after the date in the resolution.

1 As used in this title, the term 'resolution' does not include
2 a joint resolution which specifies more than one reorganiza-
3 tion plan."

4 On page 19, line 19, after the period insert the follow-
5 ing: "If the committee to which a resolution is referred
6 decides to report such resolution, it may report such resolu-
7 tion as referred or may report it with an amendment or
8 with amendments, but no such amendment or amendments
9 shall change the form of such resolution as provided for by
10 section 202 or make it applicable to more than one reor-
11 ganization plan."

12 On page 20, line 3, after the word "other" insert "iden-
13 tically worded".

14 On page 20, line 7, strike out the word "a" and insert
15 in lieu thereof "an identically worded".

16 On page 20, line 17, after the word "other" insert "iden-
17 tically worded".

18 On page 21, beginning with line 3, strike out all down
19 to and including line 9 and insert in lieu thereof the fol-
20 lowing:

21 "(b) Amendments to the resolution, except amend-
22 ments changing the form of the resolution as provided for
23 by section 202 or making the resolution applicable to more
24 than one reorganization plan, shall be in order. Debate on
25 the resolution and on all appropriate amendments thereto

1 shall be limited to not to exceed twenty hours, which shall
 2 be equally divided between those favoring and those oppos-
 3 ing the resolution. A motion further to limit debate shall
 4 not be debatable. No motion to recommit the resolution
 5 shall be in order, and it shall not be in order to move to
 6 reconsider the vote by which the resolution or any amend-
 7 ment thereto is agreed to or disagreed to."

79TH CONGRESS
 1ST SESSION

S. 1120

AMENDMENTS

Proposed by Mr. DONNELL to the bill (S. 1120)
 to provide for the reorganization of Gov-
 ernment agencies, and for other purposes.

NOVEMBER 2 (legislative day, OCTOBER 29), 1945
 Ordered to be printed as modified

79TH CONGRESS
1ST SESSION

S. 1120

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2 (legislative day, OCTOBER 29), 1945

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. DONNELL to the bill (S. 1120)
to provide for the reorganization of Government agencies
and for other purposes, viz:

1 On page 14, beginning with line 23, strike out all down
2 to and including line 14 on page 15 and insert in lieu thereof
3 the following:

4 “SEC. 4. (a) No reorganization specified in the plan
5 shall take effect until there shall have been enacted a joint
6 resolution approving the plan or a part thereof. In the
7 event such joint resolution approves the plan, each of the
8 reorganizations specified in the plan shall take effect on
9 the date of enactment of such joint resolution or on the date
10 specified pursuant to subsection (b) with respect to any

1 particular reorganization, whichever may be the later date.
2 In the event such joint resolution approves only a portion
3 of the reorganizations specified in the plan, each of the re-
4 organizations approved shall take effect on the date of
5 enactment of such joint resolution or on the date specified
6 pursuant to subsection (b) with respect to any particular
7 reorganization, whichever may be the later date.”

8 On page 15, line 21, after the period insert the follow-
9 ing: “If only a portion of the reorganization specified in the
10 plan take effect, so much of the reorganization plan as relates
11 to those reorganizations shall be so printed.”

12 On page 18, beginning with line 13, strike out all down
13 to the end of the bill.

AMENDMENTS

Intended to be proposed by Mr. DONNEL, to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

NOVEMBER 2 (legislative day, OCTOBER 29), 1945
Ordered to lie on the table and to be printed

79TH CONGRESS
1ST SESSION

S. 1120

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2 (legislative day, OCTOBER 29), 1945

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. WILSON to the bill (S. 1120)
to provide for the reorganization of Government agencies,
and for other purposes, viz:

1 On page 18, strike out all after line 15, down to and
2 including line 19, on page 21, and insert the following:
3 “Any such reorganization plan so submitted shall be imme-
4 diately referred to an appropriate standing committee and
5 it shall be the duty of such committee to report back its
6 approval or disapproval of such reorganization plan within
7 ten days after the order of reference, and when so reported
8 the same shall be treated as unfinished business. If the
9 committee to which such plan is referred neglects to report
10 within ten days, any Member of Congress may have the

- 1 same placed upon the calendar by calling it to the attention
2 of the President of the Senate or the Speaker of the House.
3 When so placed on the calendar, such plan shall be treated
4 as the unfinished business.”

AMENDMENT

Intended to be proposed by Mr. Wilson to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

NOVEMBER 2 (legislative day, OCTOBER 29), 1945
Ordered to lie on the table and to be printed

S. 1120

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2 (legislative day, OCTOBER 29), 1945

Ordered to be printed as modified

NOVEMBER 6 (legislative day, OCTOBER 29), 1945

Further modified and ordered to be printed

AMENDMENT

Proposed by Mr. DONNELL to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes, viz: On page 14, beginning with line 23, strike out all down to and including line 14 on page 15 and insert in lieu thereof the following:

- 1 SEC. 4. (a) No reorganization plan shall take effect
- 2 until there shall have been enacted a joint resolution approv-
- 3 ing such plan. Each reorganization specified in a plan which
- 4 shall have been approved by the enactment of such a joint
- 5 resolution shall take effect on the date of enactment of such
- 6 joint resolution or on the date specified pursuant to subsec-
- 7 tion (b) with respect to such reorganization, whichever may
- 8 be the later date.

AMENDMENT

Proposed by Mr. DONNELL to the bill (S. 1120)
to provide for the reorganization of Gov-
ernment agencies, and for other purposes.

NOVEMBER 2 (legislative day, OCTOBER 29), 1945

Ordered to be printed as modified

NOVEMBER 6 (legislative day, OCTOBER 29), 1945

Further modified and ordered to be printed

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued November 9, 1945, for actions of Thursday, November 8, 1945)

(For staff of the Department only).

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Executive agencies.....	11	Patents.....	24	Water utilization.....	7
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HIGHLIGHTS: Senate passed bill to liberalize GI Bill of Rights (retained provision for loan guarantee by Veterans' Administration). Senate continued debate on reorganization bill, discussing Donnell amendment providing for approval of plans by joint resolution. Sen. Willis and Rep. Hope reported on FAO conference. Sent to conference bill to pay military leave to returning servicemen. Rep. Flannagan introduced pink-boll-worm bill (had been initiated by USDA). Rep. Hays introduced bill to construct county agricultural buildings. Sen. McKellar introduced bill to preserve status, etc., of Army officers detailed to USDA.

SENATE

1. GI BILL AMENDMENTS. Passed with amendments H. R. 3749, to amend the Servicemen's Readjustment Act of 1944 (pp. 10664-84). The bill permits veterans to apply for loans within 10 years after the war (present law limits this to 2 years after separation or 5 years after the war, whichever is earlier; House version limited it to 6 years after separation but not longer than 8 years after the war). It liberalizes and clarifies the guarantee provisions but retains the basic principles of the existing law (House version provided for approval of loans by the lending agencies rather than Veterans' Administration). Another provision permits VA to pay 4% on the amount originally guaranteed (present law provides for payment of interest for the first year on the part guaranteed). It extends the maturity limitation from 20 to 25 years generally and in the case of farm realty to 40 years, and removes restrictions which preclude national banks, Federal savings and loan associations, D. C. banks, trust companies, building and loan associations, and insurance companies from participating. The present provision that loans be made at "reasonable normal value" would be amended by striking out "normal". The reference to payment of delinquent indebtedness and taxes would be made to apply to farms and business as well as homes. The bill broadens the law "so that loans can be made for every ordinary farming purpose." It makes clear the right of the Secretary of Agriculture to determine the basic eligibility of a veteran applying for loans under the Bankhead-Jones Act, by eliminating necessity of referring each case to VA for that determination. Another provision permits refinancing of indebtedness considered by the Soldiers' and Sailors' Civil Relief Act of 1940. The bill also liberalizes the education and rehabilitation features of the GI law.

2. GOVERNMENT REORGANIZATION. Continued debate on the reorganization bill, S. 1120 (pp. 10653, 10655-6, 10664, 10687-94). Most of the debate was on an amendment by Sen. Donnell, Mo., to provide for approval of reorganization plans by joint

resolution (positive law).

3. FAO CONFERENCE. Sen. Willis, Ind., described the accomplishments of the Quebec conference (pp. 10684-7).
4. LEAVE ALLOWANCES. Sens. Downey, Taylor, and Hart were appointed Senate conferees on S. 1036, which provides for payment of leave to Army and Navy officers who return to Federal employment (p. 10654).
Reps. Ramspeck, Randolph, and Rees were appointed House conferees on the bill (p. 10729).
5. SUGAR; ALCOHOL. Received a resolution of the 5th Dist. of Kans. Federation of Women's Clubs recommending that the Government restrict the use of sugars for alcoholic beverages (p. 10651).
6. PROPERTY REQUISITION. Both Houses received from the President WPB's report on operations under the Property Requisition Act. To Military Affairs Committees. (pp. 10650, 10703.)
7. COLORADO RIVER-RIO GRANDE WATER TREATY. Agreed to Sen. Downey's (Calif.) request that Engineer Alba's (Mexico National Irrigation Commission) report on this treaty be printed as S. Doc. 98 (p. 10654). Sen. Downey inserted his letter to Secretary of State Byrnes on the subject. (pp. 10654-5).
8. NOMINATIONS. Received the nominations of H.E. Gaston and R.T. Stevens to be members of the Export-Import Bank Board and Chester C. Davis to be a member of the OWMR Advisory Board and confirmed the nomination of Kenneth C. Royal to be Under Secretary of War (p. 10695).

HOUSE

9. FOOD AND AGRICULTURE ORGANIZATION. Rep. Hope, Kans., reported on the Quebec FAO Conference, discussed the functions of the Organization, and inserted statements on the program (pp. 10703-9).
10. FULL EMPLOYMENT. Rep. Gossett, Tex., criticized H.R. 2202, the full-employment bill, as "economically...psychologically...and philosophically unsound" (pp. 10715-8).
Rep. Patman, Tex., spoke in favor of, and gave his interpretation of, this bill (pp. 10718-29).
1. COMMITTEE ASSIGNMENT; EXECUTIVE AGENCIES. Rep. Gore, Tenn., was appointed to replace Rep. Voorhis, Calif., (resigned) on the Select Committee to Investigate Acts of Executive Agencies Beyond the Scope of Their Authority (pp. 10696-7).
2. ADJOURNED until Mon., Nov. 12 (p. 10729).

ITEMS IN APPENDIX

3. PRICE CONTROL. Extension of remarks of Rep. Bennett, Mo., criticizing "OPA policy of cost absorption" by retail business and including a Missouri Grocer article on the subject (pp. A5149-50).
Extension of remarks of Rep. Pittenger, Minn., criticizing OPA's policy of having lumber retailers absorb price increases (pp. A5138).
4. FULL EMPLOYMENT. Extension of remarks of Rep. Short, Mo., opposing the full-employment bill and including correspondence on the subject (pp. A5160-1).

S. 1576. A bill to facilitate filing and settlement of veterans' claims, and for other purposes;

S. 1577. A bill to facilitate settlement of claims, and for other purposes; and

S. 1578. A bill to clarify the terms "compensation" and "pension" under laws administered by the Veterans' Administration; to the Committee on Finance.

(Mr. MAGNUSON (for himself, Mr. JOHNSON of Colorado, and Mr. MORSE) introduced Senate bill 1579, which was referred to the Committee on Finance, and appears under a separate heading.)

(Mr. CONNALLY introduced Senate bill 1580, which was referred to the Committee on Foreign Relations, and appears under a separate heading.)

By Mr. McKELLAR:

S. J. Res. 113. Joint resolution to preserve the status and prerequisites of officers of the United States Army detailed to duty in the Department of Agriculture, and for other purposes; to the Committee on Military Affairs.

By Mr. YOUNG (for himself, Mr. SHIPSTEAD, Mr. MAGNUSON, and Mr. WILEY):

S. J. Res. 114. Joint resolution authorizing the erection of a statue of Leif Ericson in the District of Columbia; to the Committee on the Library.

(Mr. KNOWLAND introduced Senate Joint Resolution 115, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

By Mr. REVERCOMB:

S. J. Res. 116. Joint resolution to direct and require the discharge of certain members of the armed forces, to prohibit the drafting of certain persons into the Army or Navy, and for other purposes; and

S. J. Res. 117. Joint resolution to suspend further inductions under the Selective Training and Service Act of 1940, as amended, and for other purposes; to the Committee on Military Affairs.

AMERICAN REPRESENTATIVES ON SECURITY COUNCIL OF UNITED NATIONS ORGANIZATION

Mr. CONNALLY. Mr. President, I ask unanimous consent to introduce a bill relating primarily to the power and authority, the tenure and salary of the United States representative on the Security Council of the United Nations Organization. It also deals with representation on other agencies of the Organization. I ask that the bill be referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. Without objection, the bill will be received and referred to the Committee on Foreign Relations as requested by the Senator from Texas.

The bill (S. 1580) to provide for the appointment of representatives of the United States in the organs and agencies of the United Nations, and to make other provision with respect to the participation of the United States in such Organization, was read twice by its title and referred to the Committee on Foreign Relations.

Mr. CONNALLY subsequently said: Mr. President, from the Committee on Foreign Relations, I ask unanimous consent to report favorably without amendment the bill (S. 1580) to provide for the appointment of representatives of the United States in the organs and agencies of the United Nations, and to make other provision with respect to the participation of the United States in such Organization, and I submit a report (No. 717) thereon.

The PRESIDENT pro tempore. Without objection, the report will be received and the bill placed on the calendar.

DESIGNATION OF DECEMBER 15 AS BILL OF RIGHTS DAY

Mr. KNOWLAND. Mr. President, I ask unanimous consent to introduce for appropriate reference a joint resolution designating the 15th day of December as Bill of Rights Day. The Bill of Rights became a part of the Constitution on December 15, 1791, when Virginia became the eleventh State to ratify it.

There being no objection, the joint resolution (S. J. Res. 115) requesting the President to issue a proclamation designating the 15th day of December of each year as Bill of Rights Day, was received, read twice by its title, and referred to the Committee on the Judiciary.

REORGANIZATION OF GOVERNMENT AGENCIES—AMENDMENT

Mr. REVERCOMB submitted an amendment intended to be proposed by him to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes, which was ordered to lie on the table and to be printed.

CORRECTION IN ENROLLMENT OF SENATE BILL 1199

Mr. ELLENDER. Mr. President, I ask unanimous consent to submit a concurrent resolution. The purpose of the concurrent resolution is to correct an error made apparently by the Printing Office in printing Senate bill 1199. Instead of the word "which" the word "while" was used. That is the sole purpose of the concurrent resolution. I ask unanimous consent for the present consideration of the concurrent resolution.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Louisiana?

There being no objection, the concurrent resolution (S. Con. Res. 41) was considered, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives in signing the enrolled bill (S. 1199) conferring jurisdiction upon the United States District Court for the Middle District of North Carolina to hear, determine, and render judgment upon any claim arising out of the death of L. W. Freeman be, and the same is hereby, rescinded, and that the Secretary of the Senate be, and he is hereby, directed to reenroll the said bill with the following change, namely: On page 2, line 1, of the Senate engrossed bill, strike out the word "while" and insert in lieu thereof the word "which."

TERMINATION OF RATIONING OF BUTTER, OLEOMARGARINE, FATS, OILS, AND MEAT

Mr. STEWART submitted the following resolution (S. Res. 185), which was referred to the Committee on Banking and Currency:

Whereas the United States military services and other Government agencies have recently released for public consumption in the United States 100,000,000 pounds of high-quality creamery butter; and

Whereas the Department of Agriculture has seen fit to sell 8,000,000 pounds of creamery butter in foreign markets; and

Whereas 100,000,000 pounds of creamery butter added to current commercial stocks

and expected production during November and December 1945 will provide at least 150,000,000 pounds of creamery butter for each such month; and

Whereas 150,000,000 pounds a month is more than enough to provide for all unrestricted domestic civilian consumption of high-quality creamery butter during November and December and provide for an adequate year end carry-over; and

Whereas the production of butter begins to increase in December, due to seasonal factors, and continues to increase monthly for the ensuing 6 months; and

Whereas civilians will have the entire United States butter production available for their use during 1946, with the exception of very small quantities which will be purchased by the United States military services; and

Whereas oleomargarine, which is used for the same purpose, is in surplus supply; and

Whereas there will continue to be sufficient fats and oils available to produce supplies of oleomargarine equal to the demand for it; and

Whereas the current civilian allocation of other fats and oils, including lard, is at the highest rate since the initiation of fats and oils rationing; and

Whereas shortening, salad, and cooking oils are being produced in quantities greater than at any time since regulations were imposed and in quantities greater than those produced prior to the war; and

Whereas the supply of raw materials needed to produce shortening, salad, and cooking oils will continue to be sufficient to maintain this production; and

Whereas the production of lard, one of the chief fats and oils, will be substantially increased beginning not later than November 1, due to the seasonal increase in hog slaughter; and

Whereas the availability of supply is now sufficient to provide as much fats and oils as has ever before been consumed in this country during a peacetime period; and

Whereas the total domestic production of fats and oils, including lard, during 1946 will be available for civilian consumption, except for very small quantities which will be purchased by the United States military services; and

Whereas meat supplies in the United States at the present time are admittedly available at the annual rate of 159 pounds per capita and will continue to be available at this rate for the remainder of the year; and

Whereas meat supplies in this quantity are greater than were ever before available in the United States during any prewar period; and

Whereas meat supplies will be available during 1946 at a rate far in excess of the quantity consumed at any previous time; and

Whereas the supplies of poultry, eggs, fish, and cheese are abundant; and

Whereas the military has ceased purchasing poultry, eggs, fish, and cheese; and

Whereas the large supplies of poultry, eggs, fish, and cheese will supplement the supplies of meat available for civilian consumption in the United States; and

Whereas the continuation of rationing of butter, oleomargarine, fats, and oils, and meat is causing hoarding, maldistribution, and disruption of normal marketing; and

Whereas the expense of continuing rationing is no longer warranted; and

Whereas industry is capable of reestablishing normal distribution of these commodities: Therefore be it

Resolved, That it is the sense of the Senate of the United States that the Department of Agriculture should order the Office of Price Administration to cease rationing of butter, oleomargarine, fats, and oils, and meat as soon as is practicable, but in no case later than November 15, 1945.

DEVELOPMENT AND CONTROL OF ATOMIC ENERGY

Mr. McKELLAR submitted the following resolution (S. Res. 186), which was referred to the Special Committee on Atomic Energy:

Whereas the United States has developed an atomic bomb which has been demonstrated by actual use to be far more destructive than any weapon of war heretofore known to man; and

Whereas the destructive force of this new weapon is of such great magnitude that its use might quickly destroy great cities and whole nations of people, irrespective of their guilt or innocence and without regard to their status as participants in warfare; and

Whereas the possibility of the use of the atomic bomb as a weapon or instrument of war threatens the peace of the world and the continuance of civilization; and

Whereas the peoples of the world have demonstrated at the San Francisco Conference and elsewhere that they favor whatever measures are necessary to achieve a just and lasting peace; and

Whereas the common interests of all mankind imperatively require that effective measures be taken to prevent the use of the atomic bomb as a weapon or instrument of war; and

Whereas the present position of the United States makes it appropriate for this Nation to assume the leadership in the development of such measures: Now, therefore, be it

Resolved, That it is the sense of the Senate (1) that the President should immediately enter into negotiations with other nations with a view to reaching an agreement which will prohibit the use of the atomic bomb as a weapon or instrument of war and with a view to implementing such agreement so as to provide an effective means for preventing the use of the atomic bomb for such purposes, and (2) that it should be the policy of the United States, in its participation in the United Nations Organization, to promote and encourage the use of the powers and facilities of that Organization effectively to prevent the use of the atomic bomb as a weapon or instrument of war and further to aid the plan and purpose set forth in the United Nations Charter to aid in securing and making permanent peace among all the nations of the world.

PRINTING OF ADDITIONAL COPIES OF HEARINGS ON BILL PROVIDING FOR SALE OF CERTAIN GOVERNMENT-OWNED MERCHANT VESSELS

Mr. RADCLIFFE. Mr. President, I ask unanimous consent to submit for appropriate reference a resolution providing for the printing of 500 copies of the hearings on Senate bill 292, to provide for the sale of certain Government-owned merchant vessels, and for other purposes. This is a bill which is concerned with the sale of surplus ships of our merchant marine. Much interest has developed in this matter, and there have been so many requests for copies of the hearings that it is necessary that more be printed in order to supply the demands which are being made.

There being no objection, the resolution (S. Res. 187), submitted by Mr. RADCLIFFE, was received and referred to the Committee on Printing, as follows:

Resolved, That, in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Committee on Commerce of the Senate be, and is hereby, authorized and empowered to have printed for its use 500 additional copies, parts 1 and 2, of the hearing held before said committee during the current session on S. 292 entitled "A bill to provide for the sale of certain

Government-owned merchant vessels, and for other purposes."

PAYMENT OF ACCUMULATED OR ACCRUED LEAVE TO CERTAIN MEMBERS OF THE MILITARY AND NAVAL FORCES

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1036) to provide for the payment of accumulated or accrued leave to certain members of the military and naval forces of the United States, who enter or reenter civilian employment of the United States, its Territories or possessions, or of the District of Columbia, before the expiration of such leave, which were, to strike out all after enacting clause and insert:

That the act entitled "An act making provisions for payment of employees of the United States Government, its Territories or possessions, or the District of Columbia, for accumulated or accrued annual leave when ordered to active duty with the military or naval forces of the United States," approved August 1, 1941, as amended April 7, 1942 (56 Stat. 200), is further amended by adding at the end thereof a new section, as follows:

"SEC. 2. (a) Any person who, subsequent to May 1, 1940, shall have performed active service in the Army, Navy, Marine Corps, or Coast Guard, or in any of their respective components, may, while on terminal leave pending separation from or release from active duty in such service under honorable conditions, enter or reenter employment of the Government of the United States, its Territories or possessions, or the District of Columbia (including any corporation created under authority of an act of Congress which is either wholly controlled or wholly owned by the Government of the United States, or any department, agency, or establishment thereof, whether or not the employees thereof are paid from funds appropriated by Congress), and, in addition to compensation for such employment, shall be entitled to receive pay and allowances from the armed forces for the unexpired portion of such terminal leave at the same rates and to the same extent as if he had not entered or reentered such employment.

"(b) Any such person who, prior to the date of enactment of this section, entered or reentered such employment without having used all accumulated and current accrued leave to which he would have been entitled as a result of such service had he not entered or reentered such employment, shall upon application therefor filed with the Secretary of War or the Secretary of the Navy, as the case may be, be entitled to be paid a lump sum equal in amount to the pay and allowances to which he would have been entitled while on terminal leave for the unused portion of such accumulated and current accrued leave had he not entered or reentered such employment.

"(c) Any such person who, while on terminal leave from the armed forces, performed or shall hereafter perform services for the Government of the United States, its Territories or possessions, or the District of Columbia (including any corporation created under authority of an act of Congress which is either wholly controlled or wholly owned by the Government of the United States, or any department, agency, or establishment thereof, whether or not the employees thereof are paid from funds appropriated by Congress), for which he would have been entitled to be paid had he regularly become employed or reemployed in a civilian position prior to performing such services, and had he not been receiving pay and allowances from the armed forces for the period during which such services were performed, shall, if he has not otherwise been compensated for such

services, be entitled, upon application therefor filed with the General Accounting Office, or, in the case of a person performing such services for a Territory or possession, filed with the appropriate agency or officer of the Government of such Territory or possession, to be paid a lump sum equal in amount to the compensation he would have received for such services had he been regularly employed or reemployed and had he not been receiving pay and allowances from the armed forces.

"(d) Any such person who enters the employment of a State, or any political subdivision thereof, shall upon application therefor filed with the Secretary of War or the Secretary of the Navy, as the case may be, be entitled to be paid a lump sum equal in amount to the pay and allowances to which he is entitled for the unused portion of his accumulated and current accrued leave.

"(e) No waiver effectuated prior to the date of enactment of this section of any right to receive any payment to which a person would otherwise be entitled under this section shall operate to deny such person entitlement to such payment."

And to amend the title so as to read: "An act to provide for the adjustment of the compensation of certain members or former members of the armed forces of the United States who, before the expiration of their terminal leave, have performed, or shall hereafter perform, civilian services for the United States, its Territories or possessions, or the District of Columbia, and for other purposes."

Mr. DOWNEY. Mr. President, I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the president pro tempore appointed Mr. DOWNEY, Mr. TAYLOR, and Mr. HART conferees on the part of the Senate.

COLORADO RIVER-RIO GRANDE WATER TREATY WITH MEXICO (S. DOC. NO. 93)

Mr. DOWNEY. Mr. President, recently the Mexican Senate confirmed the so-called Colorado River Treaty between Mexico and the United States.

One of the important elements of the Mexican legislative history of the Colorado River-Rio Grande Water Treaty is the report given to the Mexican Senate by Engineer Adolfo Orive Alba, executive chairman of the National Irrigation Commission of Mexico, one of the negotiators of the treaty, whose position corresponds approximately to that of the Commissioner of the Bureau of Reclamation in our country.

I hold in my hand a translation of the statement made by him concerning this treaty, and, in view of its great importance historically, I ask unanimous consent that it be printed as a Senate document.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from California? The Chair hears none, and it is so ordered.

AMBIGUITIES IN COLORADO RIVER-RIO GRANDE WATER TREATY

Mr. DOWNEY. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a copy of a letter which is self-explanatory, dated November 7, 1945, written by myself to the Honorable James F. Byrnes, Secretary of State.

Nations Organization. Beyond that, I could detect probably no correlation of the Food and Agriculture Organization with the United Nations Organization. It can go on, even if the United Nations Organization fails. It has great possibilities of usefulness, even if we do not succeed in our other avenues of international cooperation.

Mr. AUSTIN. But does not the character of the Food and Agriculture Organization contain the necessary provisions for ultimate articulation of that Organization with the United Nations Organization?

Mr. WILLIS. Yes; it would be preferable that it go along in cooperation with the United Nations Organization.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. WILLIS. I yield.

Mr. REVERCOMB. I wish to ask the Senator if the subject of immigration of farm labor was discussed or brought up at the Quebec meeting.

Mr. WILLIS. A discussion of migratory labor occurred. There was no discussion of relocation of labor, as I recall. Such matters, however, would come to the member nations only as recommendations of the Organization, and the determination of policy would be left wholly to the member nations.

Mr. REVERCOMB. I am very glad to hear that statement from the able Senator. The question was prompted by the discussion which took place on the floor of the Senate earlier, and also by the report of the United Nations Food Conference which met at Hot Springs, with which the Senator is familiar.

Mr. WILLIS. I recall that discussion. I assure the Senator from West Virginia that I had his protest in mind when I listened to his discussion. I found at Quebec that many issues raised by various nations in expressing their views never reached the stage of being approved at all by the organization. They formed the subject only of preliminary discussions.

Mr. President, we should find no fault with Russia for failure to join in this organization which should only be entered into freely and confidently by the member nations. There was no resentment expressed toward Russia by any of the delegates. Perhaps there was some disappointment that she was not ready yet to join, but there was a confident feeling that within a brief space of time, after the operations and purposes of the organization are fully demonstrated, she will also join this international effort to raise the standard of living throughout the world.

Peace sits uneasy amidst the hungry, the sick and the homeless.

REORGANIZATION OF GOVERNMENT AGENCIES

The Senate resumed the consideration of the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

Mr. DONNELL obtained the floor.

Mr. REVERCOMB. Mr. President, will the Senator from Missouri yield so that I may propound a question to the Senator from Utah [Mr. MURDOCK]?

Mr. DONNELL. I yield.

Mr. REVERCOMB. The question pertains to Senate bill 1120, and I ask the able Senator from Utah to turn to the bottom of page 14 of the bill. The language beginning in line 23 of that page reads as follows:

The reorganization specified in the plan shall take effect, in accordance with the plan, upon the expiration of the first period of 60 calendar days, following the date on which the plan is transmitted to the Congress, during which the Congress shall be in session without adjournment sine die, but only if during such 60-day period there has not been passed by either of the two Houses a resolution stating that the body so resolving does not favor the reorganization plan.

My question is this: If a resolution of disapproval is submitted after the plan has been transmitted to the Congress, will such resolution go to a committee, or will it be acted upon finally by this body after its submission without reference to a committee?

Mr. MURDOCK. Immediately upon its submission it will be referred to a committee.

Mr. REVERCOMB. Does not the Senator believe that 60 days is insufficient if the resolution is to be referred to a committee? In other words, the Presidential message embodying the plan is received. We know that immediately no resolution would be offered without study being made of the plan, and that would require some time. The resolution would be referred to a committee for study, and later it would be reported back to the Senate for action.

While I am entirely imbued with the idea that a time limit should be fixed, if the plan is to come before this body, be referred to a committee for study, and subsequently be returned to the Senate for discussion, consideration, and action, it seems to me that a 60-day period is too short a time. I had hoped that after the message had been received by the Senate, if a resolution objecting to the plan should be offered on the floor of the Senate, action upon it would be taken without reference of the plan to a committee. Does the Senator feel that that could be done?

Mr. MURDOCK. I think the proper procedure would be to refer the resolution with reference to the reorganization plan immediately to a committee. Certainly it would then become the responsibility of the committee to which the resolution had been referred to examine the plan. Of course, at some time during the 60-day period the committee would report the plan to the Senate with a recommendation. I cannot agree with the Senator that 60 days is too short a time if we really want reorganization. I think the time is ample. If we extend the time beyond the 60-day period I think that consideration of the plan would be delayed and little if anything would be accomplished.

Mr. REVERCOMB. As the Senator well knows, I am very much in favor of reorganization. I served as a member of the subcommittee handling the subject, and helped report the pending bill to the Senate. But since the bill has come to the floor of the Senate I have been very much impressed with the idea of automatic legislation, and believe that

a time limit should be fixed. I refer specifically to an experience which we are having at the present time under a law dealing with the disposal of surplus property. In connection with that law a 30-day automatic action is imposed upon any property announced by the Surplus Property Director as being surplus. What has happened? We are dealing with steel plants. Hearings are being held today, and tomorrow the time expires. I think that situation is very unfortunate. I hope that more time will be provided, or that some provision will be placed in the pending bill whereby it may not be necessary to refer a resolution of rejection to a committee.

Mr. TAFT. Mr. President, will the Senator from Missouri yield?

Mr. DONNELL. I yield.

Mr. TAFT. I believe that what is sought by the Senator from West Virginia is contained in the amendment offered by the Senator from Michigan [Mr. FERGUSON] in behalf of himself and the Senator from New Jersey [Mr. SMITH]. I do not know what the distinguished Senator from Utah thinks of the amendment, but it seems to me that it offers a great improvement over the procedure prescribed in the bill. The resolution would be referred to a committee. The committee would have 10 days in which to consider the resolution, and then the resolution would automatically come up as a special order of business before the Senate itself. So we are confronted with the fact that whoever moves affirmatively or negatively does not have to make a motion to take the matter away from the committee and have it considered by the Senate. It seems to me that if we place that kind of a provision in the bill a 60-day period of time would be sufficient.

Mr. MURDOCK. I assert that if the amendment offered by the Senator from Michigan in behalf of himself and the Senator from New Jersey had been thoroughly thought out, it probably would expedite consideration of a reorganization program. But under the Ferguson-Smith amendment a motion to set aside the pending business could be made by any Senator, and thereby exclude debate on the resolution pertaining to reorganization.

Mr. TAFT. The Senator from Michigan told me that that was a mistake, that he had not inserted in the amendment the provision that the time should be divided equally between both sides.

Mr. MURDOCK. The Senator has referred to one defect. The other defect is one to which I invite attention, namely, that a Senator could move to set aside the pending business and debate the motion until the whole period of time had expired, thereby excluding entirely any debate on the resolution with reference to reorganization. I would be in favor of the Ferguson amendment if the matter had been completely thought out. But in my mind, the answer to the Senator is this: The provisions of the bill with reference to the rules of the Senate and the House of Representatives in regard to this question have been well considered. They have been agreed to by the House of Representatives, and, in my

opinion, it would be very difficult to expedite the procedure to any greater degree than they would be expedited by the provisions of the bill itself, without doing considerable violence to the rules of the two Houses.

Mr. REVERCOMB. I make the suggestion to the able Senator to consider what I have said, because the provision for rejection can easily be made utterly worthless and entirely futile if reference of the resolution must first be made to a committee.

I am a member of the committee together with the able Senator from Utah. The question came very pointedly to me upon consideration of a similar provision for rejection in the surplus-property disposal bill.

Mr. MURDOCK. In answering the Senator with regard to the surplus-property disposal fault, I would say that for 30 days the two Government agencies which are to dispose of surplus property in the case of steel plants, have been twiddling their thumbs and waiting for the expiration of the period of time fixed by the act. If we were to have 60 days in which to consider the matter, we would probably allow 40 or 50 days to pass, and then at some time during the last 10 days we would take the matter up. In my opinion, in regard to the disposal of surplus property as well as in reorganization, the Congress of the United States must make up its mind that sometime authority will have to be vested in the executive department. We cannot handle the disposal of surplus property, and neither can we handle reorganization. If we are unwilling to allow the executive department to proceed, and if we do not repose some confidence in them, we will never get anywhere.

Mr. REVERCOMB. Mr. President—
The PRESIDING OFFICER (Mr. ELLENDER in the chair). Does the Senator from Missouri yield to the Senator from West Virginia?

Mr. DONNELL. I yield.

Mr. REVERCOMB. With respect to the surplus property disposal bill, let me tell what actually occurred. The 30 days have elapsed, and hearings, involving many witnesses were not started until November 5. The time will expire November 10. Today, as the Senator knows, hearings are proceeding, and the time will expire Saturday.

I do not desire to hold up action upon reorganization or upon surplus property disposal, but a time limit should be placed upon the committee, after the reference is made, to bring the matter back to this body so that we can act with thought and care. If that is not done, it will not be necessary to have any provision that the Senate is to pass upon the plan finally, because it will work out just as I see it working under the Surplus Property Act: it will be totally futile, a complete evasion of what the Senate supposed would be done under the bill.

I hope the Senator will consider this suggestion, so that either the plan of the Senator from Michigan will be adopted, or the Senate will proceed at once to consider the rejection resolution, if one is offered.

Mr. DONNELL. Mr. President, the subject matter of the amendment which we are to consider further at this time is in my judgment of such extreme importance, that I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Andrews	Gurney	Overton
Austin	Hart	Radcliffe
Ball	Hatch	Reed
Barkley	Hayden	Revercomb
Bilbo	Hickenlooper	Robertson
Brewster	Hill	Russell
Bridges	Hoey	Saltonstall
Brooks	Huffman	Smith
Buck	Johnson, Colo.	Stewart
Bushfield	Johnston, S. C.	Taft
Butler	Knowland	Taylor
Byrd	Lucas	Thomas, Okla.
Capper	McClellan	Tunnell
Carville	McKellar	Tydings
Chavez	McMahon	Vandenberg
Connally	Magnuson	Wagner
Cordon	Maybank	Walsh
Donnell	Millikin	Wheeler
Downey	Moore	Wiley
Eastland	Morse	Willis
Ellender	Murdock	Wilson
Ferguson	Myers	Young
George	O'Daniel	
Guffey	O'Mahoney	

The PRESIDING OFFICER. Seventy Senators having answered to their names, a quorum is present.

Mr. DONNELL. Mr. President, I regretted the necessity of a quorum call at this late hour, but in my judgment, the subject matter upon which the discussion is now to enter is of such outstanding importance, is so fundamental, and has within it such possibilities that every Member of the Senate who can consistently be here should be here to consider it.

Before entering upon the discussion I shall ask that there be read from the desk the amendment which has been proposed by me, as it has been modified, and as it has now been printed.

The PRESIDING OFFICER. The clerk will read the amendment.

The LEGISLATIVE CLERK. In the committee amendment, on page 14, beginning with line 23, it is proposed to strike out all down to and including line 14 on page 15, and to insert in lieu thereof the following:

SEC. 4. (a) No reorganization plan shall take effect until there shall have been enacted a joint resolution approving such plan. Each reorganization specified in a plan which shall have been approved by the enactment of such a joint resolution shall take effect on the date of enactment of such joint resolution or on the date specified pursuant to subsection (b) with respect to such reorganization, whichever may be the later date.

Mr. DONNELL. Mr. President, the discussion now concerns itself with the amendment which has just been read by the clerk. In order that the issue presented by the amendment may be clear and unmistakable it is necessary briefly to outline portions of the committee amendment, which constitutes the bill before the Senate, and briefly to comment upon the amendment just read, before proceeding with the discussion.

The committee amendment, termed as it is the Reorganization Act of 1945, is divided into two titles. The first title

contains several sections, the important and material portions of which, as I see them in this discussion, I shall attempt to outline.

Section 1 makes it obligatory upon the President to examine and from time to time reexamine the organization of all agencies of the Government and to determine what changes therein are necessary to effect certain defined results. These results, it will be noted, are set forth on pages 9 and 10 of the bill, and I think it is of some importance to realize at least in substance their nature, and the very broad generalizations, the lack of particularity, the lack of preciseness, the lack of definiteness which characterizes these results which the President is to ascertain are those for which the changes proposed are necessary.

The first of these results is illustrative. It is "to facilitate orderly transition from war to peace." I submit that in this, the first of the results to which I have referred, there is no definiteness, no certainty, no preciseness. The language is general, "to facilitate orderly transition from war to peace." The President is required to examine into the organization of all Government agencies to determine what changes are necessary to attain the result of facilitation of "orderly transition from war to peace."

The second of the results which he is to consider is the reduction of expenditure "to the fullest extent consistent with the efficient operation of the Government." I submit that here again there is lack of certainty, definiteness, and preciseness. It is a broad generalization, the result of reduction of expenditure "to the fullest extent consistent with the efficient operation of the Government." Not only is that a result which is indefinite in statement, but it is one with respect to which different individuals and different minds may well differ, and as to the attainment of which different minds, different judgments, and different individuals may differ.

The third of the results which he is to examine into in order to determine what changes are necessary to effect it is an increase in the "efficiency of the operations of the Government to the fullest extent practicable."

Again, Mr. President, there is no definiteness, no certainty, no preciseness. The result is stated only in broad terms of generalization, a result with respect to which one person may come to one conclusion and another may arrive at a different conclusion.

The next result is the grouping, coordination, and consolidation of agencies and functions of the Government, "as nearly as may be, according to major purposes." Again, there is no standard, no definiteness, and no preciseness.

The fifth of these results is the reduction of the number of agencies "by consolidating those having similar functions under a single head, and by abolishing such agencies as may not be necessary for the efficient conduct of the Government." Again there is the broadest generalization, the broadest lack of definiteness, and the broadest lack of preciseness.

The sixth of these seven results is the elimination of "overlapping and duplication of effort." Again, one mind may conclude that a certain operation may involve an elimination of that type. Another mind may conclude that there is a distinctiveness between the functions of respective departments or agencies, and that no overlapping exists with respect to a particular one.

Finally, the seventh of the results to which the bill refers is provision "for making currently and continuously, subject to the limitations contained in subsection (d) of section 4 hereof, such adjustments in the Government establishment as may be necessary or desirable in the interests of economy and efficiency." Again, there is a lack of preciseness, definiteness, and certainty.

Mr. President, I mention the lack of definiteness, certainty, and preciseness not in the spirit of criticism, but for a very important legal and constitutional reason to which I shall refer a little later. As I say, up to this point, the bill provides that the President "shall examine and from time to time reexamine the organization of all agencies of the Government and shall determine what changes therein are necessary" to produce the seven results to which I have referred.

I shall omit what I regard as not essential to my point. Section 2 provides certain restrictions upon the reorganization plan, to which reference will later be made, and which is mentioned in section 4 of the bill—restrictions primarily involving the matter of the time for which any agency or any function may be extended under the reorganization, and a prohibition against the creation of a new function which is not expressly authorized by law at the time the plan is transmitted to Congress—not a provision that a new function shall not be created for any specific department, but simply that no new function of government not previously created for some department shall be created by the reorganization.

Section 2 further contains prohibitions against the transfer to any other agency of any executive department or all the functions thereof—as, for illustration, the Department of State.

Section 2 also contains a prohibition against the divestiture of any quasi-judicial agency of the means, right, or power to exercise independent judgment and discretion, as provided in subdivision (h).

Finally, there is a prohibition against increasing the term of any office beyond that now created by law for such office.

I have mentioned these various preliminary matters in the bill because of the contents of the next section. Section 3 of the bill provides in substance that whenever the President, after investigation, finds that a transfer, consolidation, coordination, or abolition of an agency or function, as specified in the section, is necessary or desirable to accomplish one or more of the purposes, which I have called results, of section 1, he shall prepare a reorganization plan to bring about any reorganizations as to which he has made findings hereunder.

It will be observed that the requirement of section 3 is simply that in order for the President to be obligated to prepare a reorganization plan, he is required only to find that the transfer, consolidation, coordination, or abolition is necessary or desirable to accomplish one or more of the seven purposes or results which are outlined and stated in section 1 of the bill, and which, as I have indicated, are in the broadest general language, not precise, not definite, and, as I shall submit in a few moments, not constituting a legal standard by which to justify this legislation, on the ground that it is the mere creation of a duty to exercise Executive power.

As I have indicated, the bill provides that when the President finds, not all of these seven results, but any one of them—for example, if he finds that the changes which he advocates will provide for making currently and continuously such adjustment in the Government establishment as may be necessary or desirable in the interests of economy and efficiency—he is then authorized to prepare a reorganization plan. The limitations upon that plan are as indicated in section 2, to which I have already referred.

The bill then proceeds with various other items, and we come to section 4, which specifies that the reorganization described in the plan which the President shall have transmitted to Congress—

Shall take effect, in accordance with the plan, upon the expiration of the first period of 60 calendar days, following the date on which the plan is transmitted to the Congress, during which the Congress shall be in session without adjournment sine die, but only if during such 60-day period there has not been passed by either of the two Houses a resolution stating that the body so resolving does not favor a reorganization plan.

There is a provision with respect to the opportunity to send back a resolution referring the reorganization to the President with a request for specific changes. There is nothing obligatory upon the Congress; but if during the 60-day period either House of the Congress shall adopt a resolution referring the reorganization plan back to the President with a request for specific changes, the running of the 60-day period, to which the Senator from West Virginia has referred, shall be stayed.

We pass on, then, from the various matters of definition, and so forth, to title II. I shall not burden the Senate at this time with the contents of title II, for it is a matter of procedure with respect to the adoption of a negative resolution to the effect that either House does not favor the reorganization plan. It has to do with limitation on debate, limitation of time within which a committee may consider the resolution, and so forth.

Briefly stated, therefore, the bill means this, as I see it—and I think it not only means it as I see it, but the language of it is specifically to that effect: First, that after the President finds these various broad generalizations, or any one of them—for illustration, if he finds that the adjustments which he wishes may be necessary or desirable in the interests of economy and efficiency—he then does

what? He does not present to the Congress mere recommendations, but he prepares a reorganization plan. That is step No. 1 by the President. Then what does he do? I invite attention to page 13, line 2, where it is provided that he shall transmit such plan to the Congress. That is the second step. Then, on page 14, in section 4 of the bill, it is provided that the reorganization specified in the plan shall take effect unless Congress does something; or, stated conversely, shall take effect if Congress does nothing.

So we find these three steps in the bill, with this negative provision by which Congress, after the President has prepared the plan and after he has transmitted it to the Congress, will have retained to it by the bill the power to say, "No;—we will not go ahead." Either House of Congress can disapprove it; but the bill provides that if Congress does nothing, the plan suggested by the President shall take effect.

Mr. President, my amendment, which has been read from the desk, is short. It is exactly the opposite of the corresponding part of the bill, insofar as constitutional grounds are concerned. My amendment provides, not that the plan shall take effect if Congress does nothing, but that no reorganization plan shall take effect until there shall have been enacted a joint resolution approving such plan—affirmative action to be required on the part of Congress, by both Houses of Congress, if you please, before the reorganization plan shall take effect, and also requiring the signature of the President of the United States before the reorganization plan shall take effect.

The concluding sentence of the amendment merely relates to the time when the reorganization is to take effect, and it harmonizes with subdivision (b) of section 4 of the committee amendment.

So we are confronted with the following problem at this time: The committee amendment, in other words, the bill before the Senate for consideration, provides for the creation of a law which would set aside in many instances—certainly in some instances of very great importance—laws already enacted by Congress, and it would set them aside without having Congress act or pass anything or do anything with respect to the action so setting aside the previous law. We could sit here for 60 days with our eyes closed, and sleeping—physically sleeping—after the plan came to us; for, under the provisions of the bill, the plan would become law even though not a Member of the Senate or a Member of the House of Representatives heard a solitary word or gave a single, solitary thought to a single comma, semicolon, or word in the bill. That is the provision of the bill in the particular to which I now refer.

My amendment requires the taking of affirmative action by Congress as a condition precedent to the creation of legislation. Therefore, the difference between the committee amendment and my amendment is that in the case of the committee amendment a plan prepared

by the President would become law without the taking of any action by Congress, whereas under my amendment no proposal submitted by the President would become law unless and until Congress had first affirmatively resolved that it should be come law.

I call attention to the fact that if my amendment is adopted it will be necessary to change the procedure specified in title II of the committee amendment. I have not read title II this afternoon, but the procedure provided in title II of the committee amendment is designed to cover the plan under which the Congress may merely prevent a Presidential proposal from becoming law, whereas my amendment, as will be observed, requires that Congress act affirmatively in order that the plan may become law. Therefore, Mr. President, it is obvious that title II of the bill itself will be inappropriate and not conducive to bringing about the desired result if my amendment is adopted. Accordingly, I have presented a procedural amendment which has been printed. In my opinion, it will cover the procedural situation in the event the amendment which is now the order of business, namely, my amendment, is adopted. It is my understanding that at this time other amendments which have been submitted by other Senators are also designed to provide proper procedure.

Mr. MURDOCK rose.

Mr. DONNELL. I yield to the Senator from Utah.

Mr. MURDOCK. Mr. President, I was wondering whether the Senator would have any objection to having both of his amendments considered together. It seems to me that if his amendment to section 4 is adopted, we then would have to consider the procedural amendment which he has submitted, which the Senator says should, in that event, be enacted or adopted in place of the corresponding provision contained in the bill. Accordingly, it seems to me that, from a parliamentary standpoint, action on the bill would be expedited if the two amendments offered by the Senator were considered together.

Mr. DONNELL. Mr. President, I greatly appreciate the judgment and thought of the distinguished Senator from Utah, but in my opinion it is not advisable to confuse the two issues. There may be Senators who will favor one plan of procedure—the Ferguson-Smith plan or some other plan, the plan of the senior Senator from Iowa [Mr. Wilson] or my plan. At this moment I am not undertaking to argue the question of their respective merits. I shall be glad to do so if and when my amendment is adopted. But to my mind it is advisable to concentrate upon the specific amendment to which I have referred, the one which contains the requirement for the taking of affirmative action by Congress before a plan shall become the law.

I have stated, Mr. President, that therefore we are not considering at all the procedural amendment which I have proposed, and I shall not discuss it at this time. We are considering solely the substantive amendment which has been read from the desk by the clerk. My amendment is based on two propositions,

and they are separate and distinct. One Senator may accept one of them and another Senator may accept the other. There will be no inconsistency in doing so. But a Senator does not have to accept both of them in order to arrive at the conclusion that the amendment I have offered, which is now under consideration, should be adopted.

The first proposition I present is that section 4 (a) of the committee amendment—the one which provides that the reorganization specified in the plan shall take effect unless Congress does something; I shall call it the negative provision—is opposed to sound public policy. Mr. President, that question is not the constitutional question. I am not raising there the constitutional question, and no Member of the Senate need necessarily agree with me upon the constitutional question in order to agree with me upon the question of sound public policy. So the first of the two propositions on which I base advocacy of my amendment is that section 4 (a) of the committee amendment is opposed to sound public policy.

But I also make a second point. I make it very earnestly, and to my mind the debate on the second point revolves around a question of profound importance, not merely to other Senators and to me, not merely to the distinguished Presiding Officer who sits in the chair this afternoon, not merely to those within the sound of our voices, but to all those who shall follow after us in the United States of America. The second proposition I make is that section 4 (a) of the committee amendment violates the Constitution of the United States.

So, Mr. President, I shall address myself to these two propositions: First, that section 4 (a) of the committee amendment is opposed to sound public policy, which is a distinct, separate point, and second, the proposition that section 4 (a) of the committee amendment violates the Constitution of the United States.

My proposition with respect to sound public policy might have many illustrations. I shall indicate briefly, if I can, several grounds upon which I base the point that a procedure by which a measure may become law without the taking of any action on it by Congress is opposed to sound public policy. In the first place, such procedure enables laws to be created without having any thought whatever devoted to them by Congress. As I indicated a short time ago, under such a plan Members of Congress could physically sleep for 60 days here, or for as long a term as Rip Van Winkle slept, if they preferred, without taking any action and without devoting any thought to the subject matter of the reorganization plan; yet the reorganization plan which would have come from the White House would go into full force and effect, not as a regulation, but as a law of the United States of America binding on every citizen of this country—past, present, and future.

So I say that such a procedure, which would make it possible for laws to be enacted and created without having any thought whatever devoted to them by Congress, is for several very substantial reasons contrary to sound public policy.

When other Members of the Senate and I were elected to this body, we came here with our constituents thinking, at any rate, that we were going to devote our thoughts, our work, our efforts, and our time to the matters of legislation or other duties which might come to us. Yet under the proposal of the committee amendment, every Member of the Senate could absent himself from the Senate for the full length of time specified, namely, 60 days, but the plan would become law, and no Member of the Senate would have devoted any of the time, thought, or consideration which his constituents expect him to devote to such measures. I say that is opposed to sound public policy.

The second reason why such procedure is opposed to sound public policy is that every exercise of such procedure is a precedent toward permitting other legislation to be created without thought or action by Congress. If we accept a reorganization plan and approve it by simply sleeping through 60 days and taking no action, it is not a very long step for someone to say, "Well, the Office of Education knows more about education than does the Senate Committee on Education and Labor. Let us fix up a blanket authority under which the Office of Education can make our laws with respect to education." Then we Members of the Senate would sit here, sound asleep—drawing our salaries, but not thinking—and such bills would become laws. It is not such a far step to say that the Department of Agriculture knows more about agriculture than does the Senator from Ohio who comes from a city in Ohio; that the Department of Agriculture knows more about a certain proposition than does the Senator from Utah; that the Department of Agriculture knows more about a certain matter than does the average Member of the Senate; and that therefore the Senate should give to the Department of Agriculture blanket authority to frame legislation on agricultural matters and send it to the Senate, and if the Senate does not see anything wrong with it, without having had the benefit of preparing and considering it, and if the Senate does nothing about it, it should become the law.

I assert that the exercise of such a procedure would be a precedent in permitting other legislation to be enacted without consideration or action by Congress, and that it would be opposed to sound public policy.

There is a third reason why the proposal is inconsistent with sound public policy. Congress would feel less responsibility if it should have merely a power, which it might or might not exercise, in disapproving a measure which had been proposed by someone who was not a Member of the Congress, and which would go into effect in the absence of congressional action, than would be the case if Congress were compelled to find affirmatively that the measure was a desirable and proper one. I suppose that any distinguished Senator from any one of the 48 States who knew that someone not a Member of Congress had prepared a measure and was sending it to Congress to be disposed of, would only look it over and ascertain if anything was wrong with

it. I undertake to say that that by no means represents the responsibility which rests on the Members of this body who are required to frame legislation. If they shall be required to accept proposed legislation which has been framed by someone else, or by some bureau of the Government, I assert that the resultant depreciated feeling of responsibility on the part of Members of the Congress would be opposed to sound public policy.

Mr. President, there is a fourth reason why the suggested procedure is opposed to sound public policy. Instead of being moved by a constant realization that before a measure is enacted into law the proponents of the measure should be required to prove that it is a worthy one, that requirement would not exist so far as Congress is concerned. The Congress would be asked under the proposed procedure to rely largely on the presumption of correctness in a measure prepared by another department of Government. If we, as Senators, acting on our responsibility to determine that a bill before us is a proper one, require the proponents of the bill to prove to us that it is a proper bill for the Congress to enact, such procedure is more wholesome from the standpoint of sound public policy than is a procedure under which we would not have the obligation of convincing ourselves or our colleagues that the preponderance of affirmative proof has been furnished that the measure is a good one.

There is another reason why the legislation by inaction, so-called, is contrary to sound public policy. It tends to encourage laziness and slothfulness on the part of Members of this great legislative body. It is very obvious that if we are not required to give consideration and affirmative action to bills, human nature being what it is, laziness and slothfulness will develop over a period of years or decades in the Congress of the United States. That will be the inevitable result if others than Members of Congress are allowed to prepare proposed legislation and send it to the Congress, and we do not have to do anything at all in order that it may become law.

Closely akin to the last point is another reason why this type of so-called legislation by inaction is opposed to sound public policy. This type of procedure tends to discourage initiative on the part of Congress. Under such procedure we will be sitting here without the necessity of sharpening our wits, without the necessity of laboring on the problem, and without the necessity of doing anything except to sit. In fact, if this bill were to be enacted, we would not even have to sit here, for we could go home and proposed legislation could still become law. The Senator from Michigan [Mr. FERGUSON] could return to Michigan, and I could return to my home in Missouri. Every Member of this Senate could lock the doors of his office and go home, and the bill would become a law. I assert that such a procedure would tend to discourage initiative on the part of Members of Congress.

The final reason which I present with respect to why this type of procedure, this so-called legislation by inaction, is opposed to sound public policy is that

it strongly tends toward a surrender to the Executive of the thinking of Members of Congress with regard to legislative measures, and would make of Congress a mere rubber stamp. In recent years we have heard much about the assumption of authority by the executive department over the Legislature. I assert that that tendency has not been confined to recent years. In a book on the Constitution of the United States, the author of which is Hon. James M. Beck, former Solicitor General of the United States, I find the following sentence which was written possibly as early as 1924 and published in 1933. I am not certain as to the year in which he wrote it, but it reads as follows:

The system of governmental checks and balances has been destroyed by the persistent subordination in the practical workings of the Legislature to the Executive.

Mr. President, back in 1939 there came before the Congress a reorganization bill which was subsequently enacted. I read only a few sentences from the report of the Special Committee to Investigate the Executive Agencies of the Government, submitted by the distinguished junior Senator from Virginia [Mr. BYRD]. I may say that the House of Representatives provided for a type of so-called negative legislation under which a proposed reorganization plan would have gone into effect unless Congress had provided otherwise. Legislation would have taken effect without Congress doing anything. Here is what the Senate committee said on page 4 of its report:

The House bill provides a negative, unorthodox, and unprecedented procedure with drastic regulation of debate. Under the terms of the House bill a reorganization plan submitted by the President becomes operative if Congress does not act.

The Senate committee bill proposed an affirmative plan whereby Congress or the House of Representatives—I am not sure which, but at any rate an affirmative plan under which congressional action should be taken. The report presented by the Senator from Virginia [Mr. BYRD] said in part as follows:

Under the Senate committee bill, a reorganization plan becomes operative upon affirmative action by the Congress and it is required that such action must be taken by a vote in the respective Houses not later than 20 days after submission of a joint resolution for approval of the plan, thus preventing defeat of the proposal by dilatory tactics either in committee or on the floor of either House.

The point I wish to make is that the Senator from Virginia said that the House bill which presented the negative plan, provided a negative, unorthodox and unprecedented procedure with drastic regulation of debate.

I read further from the same report:

Under the House proposal, these recommendations might become effective without as much as a vote in Congress.

I pause to invite attention to the fact that that language expresses exactly the situation which confronts us today, in the month of November 1945.

I repeat:

Under the House proposal, these recommendations might become effective without as much as a vote in Congress.

I also invite attention to the further language of the distinguished Senator from Virginia as contained in the report:

Functions of Government are the policies of Government adopted by Congress. Without making an issue as to the propriety of abolition or amendment of functions of Government in this manner, it is obvious that the importance of such a delegation of authority to the President is so important that Congress should at least act affirmatively and directly, as contrasted with the negative procedure and drastic debate limitations set forth in the House bill.

It is true that the Senate and the House reached an agreement on the Reorganization Act of 1939 which was not in accord with this statement of the Senate committee on the problem.

I also invite attention to the further language found on page 5 of the committee report:

The Senate committee submits that as a fundamental principle of Government—

And I call attention specifically to this language—

Congress should retain the right of direct and affirmative vote upon changes of functions or policies of Government and other vast potential powers which may in effect be exercised by the Executive under this proposed legislation.

That was the opinion of a committee of the Senate on a reorganization bill passed by the House, embodying this negative plan of legislation, so-called, only 6 years ago, and presented by the distinguished Senator from Virginia, who occupies his seat in the Senate with such distinction.

So, Mr. President, for the reasons which I have indicated, I maintain that the proposed committee amendment, that is to say, the bill which is presented here by the distinguished Senator from Utah, is opposed to sound public policy.

Then I proceed to the second point, namely, that section 4 (a) of the committee amendment, that is, the one which refers to the inaction, to a bill becoming law without action, violates the Constitution of the United States. To my mind there is no impropriety in quoting the Constitution of the United States, which we all swore to support when we took our oaths. The pending bill violates the Constitution of the United States because it constitutes a delegation of legislative power to the President.

I call attention to what some Senators who were present a few days ago heard, but I repeat it at this time in order that those who were not present may have their attention called to it. I refer to the report on the pending bill by the Committee on the Judiciary of the Senate, composed of distinguished lawyers. I think every member of the committee is a lawyer, a man of ability and distinction. This is what the Committee on the Judiciary, in its report on this very bill, Senate bill 1120, has to say upon the question of delegation of legislative power. On page 3 of the report it is said:

In an effort to achieve the practical objectives of reorganization of the executive branch, this bill provides that part of the legislative power of the Congress shall be delegated to the President, and that the action of the President—

Listen to this—

taken in the exercise of the legislative power so delegated, shall be the law of the land unless it be set aside by a resolution passed by a majority vote of either House.

Then, continuing, the report of the Judiciary Committee says:

Such a delegation of legislative power does not operate to deprive either House of the Congress of its constitutional right to have no change made in the law relating to organization of the Government without the assent of at least a majority of its members present and voting.

I pass to the next sentence:

Under this bill either House of the Congress, upon seeing precisely how the President proposes to exercise the general power delegated to him by this bill, will have, in effect, its own independent right to veto the Presidential action; and thus to retain the essential authority vested in it by the Constitution.

Then on the next page the report says:

It seems apparent that the President will make large use of the Bureau of the Budget in exercising the legislative power respecting reorganization which this bill delegates to him. The bill, therefore, contemplates the use of trained and experienced administrators in drafting the proposals for change.

Then finally, in the very next sentence:

In delegating certain legislative power to the President, this bill exempts from the exercise of such power the General Accounting Office and the Comptroller General and certain independent regulatory agencies.

So, Mr. President, the committee itself time and time again, not by inadvertence, but intentionally, refers to the fact that the bill does constitute a delegation of legislative power to the President.

The bill itself proves that the committee was right in the statement. It shows the three steps I have indicated, first, that the President prepares the plan; second, the President transmits the plan, and, third, that the plan takes effect if nothing is done by Congress or one of its two Houses. In other words, the President will have legislated, and the committee recognizes that fact time and time again by pointing out that a legislative power is delegated by the bill to the President.

The distinguished Senator from Utah so courteously and clearly presented the other afternoon his views upon this question of legislative power that I am sure we all appreciated the very fine quality of his discussion. He argued, in substance, that the power which the President will exercise in this matter is not legislative power, that no legislative power is delegated to him. I am sure it was an embarrassment to the Senator from Utah, or at least some disability to him, that the committee for which he spoke and of which he is a distinguished member has itself time and time again, as I have indicated, called what is proposed to be done a delegation of legislative power.

The Senator from Utah contends that the bill sets forth standards for the action of the President, and that in carrying out the provisions of the bill he is therefore employing executive and not legislative power. I shall try to be as brief as I can with respect to this subject matter of standards. We all recognize,

of course, that, as the Supreme Court has said in decisions, one of which I have here, it is entirely possible for Congress to delegate the performance of certain ministerial acts to other persons, provided standards are laid down. So far as I am aware, however, nowhere does the Supreme Court say, as does the Committee on the Judiciary, that legislative power can be validly delegated to anybody by Congress.

What are the standards which are set up? There are standards in the Interstate Commerce Act, there are standards in the Radio Commission Act, there are standards in the Tariff Commission Act, it is true, which have to do with matters of fact-finding, rules laid down to be followed by these respective bureaus or commissions, as the case may be. But what are the standards set up by the pending bill which must govern the President?

I shall not read all the provisions again, but Senators will remember that in order that he may prepare and transmit to Congress a plan of reorganization, under the bill, it is only necessary for him to find that the transfer or consolidation "is necessary or desirable to accomplish one or more of the purposes of section 1 (a)."

That and the other provisions which I have read this afternoon are couched in the broadest possible language, with no definition, nothing concrete, nothing specific. They are indefinite. He need find, not all seven of them, but only one of them. If he finds that the reorganization will "facilitate orderly transition from war to peace," or if he finds that the adjustment may be necessary or desirable in the interests of economy and efficiency, he is entitled to transmit the reorganization plan to Congress.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. FERGUSON. Under that language, could the President's action ever be questioned as to why he transmitted a particular plan?

Mr. DONNELL. I do not know whether it could be questioned or not, so far as the reason is concerned.

Mr. FERGUSON. The Senator thinks the standards are clear enough to indicate what he should or should not have in mind?

Mr. DONNELL. I do not; I do not think the standards are clear enough or definite enough. I shall not burden the Senate this afternoon with reading the Schechter case, to which I referred in my previous remarks, and which to my mind is so closely in line with the case now before the Senate. The Schechter case is reported in Two Hundred and Ninety-five, United States Reports, at page 495, where the Court passed on the act which Congress enacted in the attempt to prescribe some type of standard, certain provisions, namely, that the associations or groups which apply for a trade code impose no inequitable restrictions; second, that the code is not designed to promote monopolies, and third, that the code will tend to effectuate the policy of title I of the National Industrial Recovery Act.

We find in title I of the National Industrial Recovery Act language of the same general quality of indefiniteness that we find in the reorganization bill now before us. I now quote from the decision of the Supreme Court, which in turn was quoting from the act itself:

It is there declared to be "the policy of Congress"—

To remove obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof; and to provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, to induce and maintain united action of labor and management under adequate governmental sanctions and supervision, to eliminate unfair competitive practices, to promote the fullest possible utilization of the present productive capacity of industries, to avoid undue restriction of production (except as may be temporarily required), to increase the consumption of industrial and agricultural products by increasing the purchasing power, to reduce and relieve unemployment, to improve standards of labor, and otherwise to rehabilitate industry and to conserve natural resources.

Mr. President, I submit, as I have indicated, that in point of indefiniteness the Schechter case illustration is very close indeed to the case of the pending reorganization measure. What did the Court say, as I quoted the other day? It spoke about the delegation that was attempted to be made, I believe, to trade or industrial association. The Court said:

Such a delegation of legislative power is unknown to our law and is utterly inconsistent with the Constitutional prerogatives and duties of Congress.

It said also in the sentence just before that:

Could an effort of that sort be made valid by such a preface of generalities as to permissible aims as we find in section 1 or title I?

Then the Court said:

The answer is obvious. Such a delegation of legislative power is unknown to our law and is utterly inconsistent with the Constitutional prerogatives and duties of Congress.

The device was also used in the situation which brought on the Schechter case, that is to say was used by Congress of requiring the President to make certain findings. That is the plan set forth in this reorganization bill. He must find that these things will produce efficiency and economy and so forth, as I have indicated.

I call the attention of the Senate to the language of the Supreme Court in the Schechter case, page 538, which is applicable to the case now before us today. This is what the Court said:

While this is called a finding, it is really but a statement of an opinion as to the general effect upon the promotion of trade or industry of a scheme of laws. These are the only findings which Congress has made essential in order to put into operation a legislative code having the aims described in the declaration of policy.

As Senators will remember, the Supreme Court of the United States in the Schechter case determined that the law was unconstitutional and void because of the delegation of legislative power to the President. I say that a delegation of legislative power is always void. There

is no possible validity for delegation of legislative power. The case which I mentioned the other day of *O'Neal v. United States* (140 Fed. (2d), p. 912), says:

In carrying out the constitutional division of the powers, it is a breach of the fundamental law for Congress to transfer its legislative power to the President.

It has no power to do it. And in the Panama case, to which reference was made both by the Senator from Utah [Mr. MURDOCK] and myself, Two Hundred and Ninety-three United States Reports, this language, which I must again call to the Senate's attention, by Chief Justice Hughes, was used:

The Constitution provides that "all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

Quoting article I, section 1, of the Constitution:

And the Congress is empowered "to make all laws which shall be necessary and proper for carrying into execution" its general powers.

Then the court continues:

The Congress manifestly is not permitted to abdicate, or to transfer to others, the essential legislative functions with which it is thus vested. Undoubtedly legislation must often be adapted to complex conditions involving a host of details with which the National Legislature cannot deal directly. The Constitution has never been regarded as denying to the Congress the necessary resources of flexibility and practicality, which will enable it to perform its function in laying down policies and establishing standards, while leaving to selected instrumentalities the making of subordinate rules, within prescribed limits and the determination of facts to which the policy as declared by the legislature is to apply. Without capacity to give authorizations of that sort we should have the anomaly of a legislative power which in many circumstances calling for its exertion would be but a futility.

So, Mr. President, this measure is invalid. It clearly violates the Constitution of the United States. It violates it on the basis of the very language used by the Committee on the Judiciary itself, in its report wherein time after time and sentence after sentence the committee itself has said that what is done is to delegate legislative power.

I referred the other day, and I shall not go into detail respecting it, to the fact that the report of the committee at page 3 argued that the delegation by the bill of legislative power "does not operate to deprive either House of its constitutional right to have no change made in the law without the assent of at least a majority of its Members present and voting." I pointed out then and I point out again that this statement of the committee is not correct, for instead of requiring a majority to approve the change, the bill requires a majority to disapprove the change, that is to say unless a majority favor disapproving the change, the change is agreed to and approved. In other words a change takes place without the requirement that a majority favor it.

So, Mr. President, I submit that this measure, delegating as it does, legislative power, as was conceded by the commit-

tee time after time, is unconstitutional and void as violative of section 1 of the Constitution which reads:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Mr. President, I do not regard this question of constitutional law as one of minor importance. To my mind we are here confronted with something of major importance. We have heard on all sides and have for years of the assumption of authority by the Executive, of the Executive reaching out and grasping for authority. Yet if we pass this bill we will ourselves be giving the authority to the Executive. We will be undertaking to pass it out of our hands. The criticism of the public may properly be directed not solely to the Executive for suggesting it, but the censure of the public may properly and should properly be placed upon the Senate of the United States and the House of Representatives of the United States for voluntarily undertaking to abdicate not merely the legislative power which is vested in them but a duty and a responsibility.

I observe in the book *The Constitution of the United States* by James M. Beck a quotation from a man—I am referring to Montesquieu, the great French philosophical historian—who is thus characterized by an encyclopedia which I hold in my hands:

Of all the early writers on the science of comparative politics and history he easily stands first on account of the actual excellence of the work done, the originality of thought which he constantly displays and the deep and lasting influence he had upon the thought of his own day and upon succeeding generations.

This is what Montesquieu said:

When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or Senate should enact tyrannical laws, to execute them in a tyrannical manner.

Senators, we are confronted with a grave question. I am sorry the Senate is not crowded this afternoon with Members of this great body. For us to do this afternoon or tomorrow or at any other time voluntarily what the committee itself referred to as a negative, unorthodox and unprecedented procedure, would to my mind constitute a gross violation of our duty as Members of the Senate, because, Mr. President, you and I, each of us has taken upon himself a solemn obligation to support the Constitution of the United States.

I shall not again read from the committee report. I have cited it again and again to show that these distinguished men, members of the committee, lawyers every one of them, have conceded time and time again by their own language that the bill provides that a part of the legislative power of Congress shall be delegated to the President. By that very statement the committee itself concedes the legal proposition that the bill is unconstitutional, null and void.

In conclusion, I summarize the two grounds upon which I propose this amendment, which requires, very simply,

that no reorganization plan shall take effect until there shall have been enacted a joint resolution approving such plan. Someone may say, "It is not practicable to do that. We cannot get a resolution through if we are to carry out the reorganization in that way." In the first place, let me say that I do not know of any attempt which Congress has made thus far to carry it out in that way. To my mind it is entirely possible that the power vested in Congress can be effectively exercised in the reorganization of our Government. If we are able to pass bills creating various bureaus and commissions; if we were able to give authority to the President under the War Powers Act, not to legislate, but to establish various bureaus, certainly we ought to be able to undo what we have done, or to change it. I am not convinced that we are impotent to act in the premises.

Let me read again two sentences. I think there are good reasons for repeating them:

If, in the opinion of the people, the distribution or modification of the constitutional powers be, in any particular, wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can, at any time, yield.

Those are the words of George Washington in his Farewell Address. Let there be no change by usurpation. As I indicated the other day, he might well have said, Let there be no change by voluntary abdication of the powers, duties, and responsibilities of Congress. We cannot do it legally.

A few moments ago the distinguished Senator from Michigan [Mr. FERGUSON] asked me, in substance, whether or not the constitutionality of this bill could be questioned. I said I did not know. I said so having in mind the fact that the other day it was stated, I believe by the distinguished Senator from Utah [Mr. MURDOCK], that the question might arise as to whether or not the courts might hold this to be a political question, upon which the courts would not enter. I am not here this afternoon undertaking to say whether the courts would or would not make such a finding. However, I say two things: First, that with the billions of dollars of expenditure involved in the vast governmental organization, and with all sorts of contingencies arising from time to time, I see no reason in the world why, sooner or later, the question of the validity of such an act could not properly come before the Supreme Court of the United States.

In the second place, I undertake to say that even if it were impossible ever to challenge the validity of the act because it was a political act—which, incidentally, I do not think it is—that would not relieve us from our obligation under our oath of office to support and defend the Constitution of the United States. I undertake to say that if we do not, if we go down the road of surrendering to the President of the United States the right

to say what shall go into legislation, we shall regret it. I have no objection to the President merely preparing and submitting a plan; but I undertake to say that if we give him the right to say what shall go into legislation, submit it to Congress, and have it take effect without our even waking from our sleep, we shall be performing an act of abject abdication of the powers and duties vested in us. It is an abdication which we cannot legally make.

Answering the question of the Senator from Michigan, if the question should ever come before the courts, I am unable to prophesy, of course, what the Supreme Court of the United States might do. It would be the height of folly and impudence for me to undertake to prophesy the action of one of the other coordinate branches of our National Government. To my mind, if the Constitution means what Chief Justice Hughes said it meant in 293 United States, and again in 295 United States; if the Constitution means that legislative powers cannot be delegated, and if the five distinct statements in the committee report before us are correct in saying that this proposal involves the delegation of legislative power, I undertake to say that the Supreme Court would be fully justified in declaring such an act unconstitutional, null and void, just as it had the courage to do in the instance of the National Industrial Recovery Act in the Schechter case.

I advocate that before such a reorganization plan shall go into effect Congress shall take affirmative action. I do so on two grounds, and I shall mention them in conclusion in just a moment.

First, let me say that I am not opposed to reorganization. I think it is entirely proper that there should be reorganization of the agencies of the Government. I should like to see a proper reorganization of those agencies. I should like to see it brought about in accordance with the Constitution of the United States; but to my mind the bill is unconstitutional. Furthermore, section 4 (a) of the committee amendment is opposed to sound public policy, a point entirely separate and distinct from the constitutional point.

The first proposition is that section 4 (a) of the committee amendment violates the Constitution of the United States. In my opinion the bill should not receive the support of the Senate. As I have indicated, these grounds are separate and distinct. One man may say, "I agree that it is opposed to sound public policy." He would not necessarily have to go along with me to the next step. To my mind it is uncontrovertible and cannot be doubted that the bill is unconstitutional. In my opinion, it is appropriate for every Senator who believes that section 4 (a) of the committee amendment is opposed to sound public policy to vote for my amendment, regardless of whether he agrees with me that section 4 (a) is unconstitutional. In my opinion, under our oath of office, it is obligatory upon each of us who believes section 4 (a) to be violative of the Constitution of the United States not to vote for the committee amendment

with section 4 (a) remaining in the bill.

Mr. President, I respectfully submit that my amendment would make the bill constitutional.

Mr. FERGUSON. Mr. President, being a member of the Judiciary Committee, and being on the subcommittee which had the bill before it, I wish to say that I agree with much of the argument of the Senator from Missouri. In fact, I worked diligently to have the same amendment adopted in the subcommittee. It became apparent that it was impossible to obtain such an amendment. I shall vote for the pending amendment because I believe that the method of affirmative votes by both Houses is the correct method by which to legislate.

As I have stated, I voted to report the bill, not because I am in favor of the bill as it is written, but merely to get it out of the subcommittee, because I am a firm believer in reorganization. I believe that no more important question faces us than the question of reorganization of our Federal Government, cutting it down to a size which will enable it to function effectively.

I wish to explain that when I was unable to obtain the affirmative method, the next best thing in the committee was to have the bill in such shape that if one House should vote against the reorganization, the reorganization would not become law. Under the 1939 law we had the example of the House of Representatives voting overwhelmingly against allowing a reorganization bill to become law, but the Senate voted in favor of it, and it became a law by one vote.

Mr. President, that is contrary to our form of government. That is the one-house form of government which for all practical purposes exists in England.

Mr. President, there is no doubt in my mind that the method now proposed by the Senator from Missouri is the correct one. For the Senate to say that reorganization cannot be obtained unless Congress abdicates its powers is not in accord with the principles of a democracy.

Mr. President, I shall vote for the method of maintaining the established form of government as proposed by the Senator from Missouri. Ours is one of the few nations on the face of the globe that require the affirmative vote of the representatives of the people before a matter may become a law of the land; and, as we know, the most sacred thing to the people of the United States is equal justice under law, not justice under Executive order.

Mr. President, I believe all of us should vote for this method. We should try it. We should enact a bill under which the President could send to Congress a reorganization proposal and then we should try out the regular method of passing legislation by affirmative vote of both Houses of the Congress of the people of the United States.

Mr. TAFT. Mr. President, I merely wish to call attention to the fact that in the year 1939, during the consideration of a reorganization bill then before the Congress, an amendment substanti-

ally the same as the amendment now submitted by the Senator from Missouri was offered. That amendment was presented by the Senator from Montana [Mr. WHEELER]. Its provisions were exactly the same as those of the amendment now submitted by the Senator from Missouri, namely, that the reorganization plan could go into effect only if it received a majority vote of both Houses of Congress, by means of the passage of a joint resolution.

I merely wish to call the attention of the Senator from Missouri to the debate which preceded that amendment. The debate is interesting. I also wish to call his attention to the fact that a number of Senators who are on the majority side today were also on the majority side then and voted in favor of the amendment of the Senator from Montana—notably, the Senator from North Carolina [Mr. BAILEY], the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Georgia [Mr. GEORGE], the Senator from Rhode Island [Mr. GERRY], the Senator from Colorado [Mr. JOHNSON], the Senator from Nevada [Mr. MCCARRAN], and the Senator from Maryland [Mr. TYDINGS]. That amendment was adopted at that time by a vote of 46 to 44. Subsequently it was reconsidered. The vote for reconsideration carried by a margin of one vote. When the amendment was voted on, upon reconsideration, it was defeated by a margin of one vote. So the Senator will find that this subject has previously been discussed, and in the debate many interesting points are made. I merely wish to call his attention to the fact that the subject has previously been before the Senate.

Mr. DONNELL. Mr. President, I thank the Senator very much for the information.

EXECUTIVE SESSION

Mr. MURDOCK. Mr. President, it is quite evident that we should not take a vote on this amendment tonight. The Senator from Virginia [Mr. BYRD] wishes to offer an amendment as a substitute for it. Therefore, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. ELLENDER in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing a nomination, which were referred to the appropriate committees.

(For nominations this day received and nomination withdrawn, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

Mr. MCKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

ors want, the products that the consumers want. No realist can expect the millenium of a perfect no-strike, no, lock-out era at once. But continued production and an expanding industry—unhampered as far as humanly possible by stoppages of work—are absolutely essential to progress.

That is the road to security at home and to peace abroad. We cannot fail in our efforts to move forward on that road.

THE ATOMIC BOMB—STATEMENT BY DR. HARLOW SHAPLEY

Mr. TAYLOR. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Dr. Harlow Shapley, director of the Harvard Observatory, dealing with the matter of the atomic bomb and what we are to do if we are to avoid the practical extinction of mankind.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Dr. Harlow Shapley, director of the Harvard Observatory, the Nation's best-known astronomer, and the holder of more than a score of medals and awards, including the Pope Pius XI Prize of Astronomy, recently made the following statement:

"The future, if it is to be made safe for civilization, is one in which narrowly national interests diminish and world-wide responsibilities increase." He spoke, Dr. Shapley explained, as a "hybrid of scientists and citizens" who would "describe what I see," and who found what he sees, "isn't nice." "Our leading American scientists," he continued, "especially our physicists, are almost pathologically conservative and cautious by nature and training. We should keep that in mind when we see the names of physicists by the score, and even hundreds, who are daily holding meetings protesting against legislative inanity, against the futility of saber rattling, and pointing to the necessity of 'one world' or none. They are trying to tell you the following facts: We reached the solution of the explosive release of atomic energy first, but by a narrow margin. Atomic bombs are so revolutionary when coupled with rocketry, radar control, and the like, that they make obsolete both those philosophies and those techniques of warfare and of national defense which heretofore prevailed. The effectiveness of destruction has been increased by a factor of 10,000,000 to 1. The city-killing missiles in a few brief years from now may arrive from any direction and from any distance on the surface of this planet, and arrive with accuracy and arrive with anonymity. A tremendous navy is not necessary to propel them, and a billion 18-year-old boys marching around with guns would avail nothing.

"NO DEFENSE

"There is and can be no effective defense against the atomic bombs—only against the source of the bombs. These sources are human, and the solution we seek must be on the human, not the mechanical, level. The crisis created by use of atomic energy has been sudden for slow thinkers," Dr. Shapley declared. "Now mankind faces a nightmare future or the necessity to work and realize all the dreams of progress and advancement which have inspired man for uncounted generations. Should man and all that man has accomplished wither in the atomic fires just because we have no adroitness in international relations because we say that although miracles may be possible in the physical sciences they are not possible in social relations and international affairs? The alternative, the way to realize the aspirations and dreams of mankind," Dr. Shapley contended, "is for the policymakers of the great nations to recognize that the planet is too small for competing nationalities; too small because of the potentialities

of tomorrow, the brain power of man, his desires for life, friendship, and happiness are all too large and important for competing nationalities. The challenge to mankind rings like the heavy call of destiny. This is not a matter of partisan politics and this issue cannot be maneuvered around the 1946 elections. This is for independent citizens; this is for independent thinkers, and the time is now."

Mr. TAYLOR. Mr. President, it will be recalled that on October 24 I submitted a resolution calling for the creation of a world republic. Frankly, Mr. President, I was somewhat disappointed at the reaction which took place. I was not especially disappointed so far as the Senate was concerned as I did not expect Members of the Senate to rise to a resolution which had been submitted by an Idaho Senator. However, I thought it was rather startling that the press gave the resolution such little publicity. I think that the resolution is an important one. Every Member of the Senate will recall—and I do not recall it too fondly—that when I first came to the Senate members of the press asked me to go out on the Capitol steps and sing a song for them. I did so in order to oblige. They put my picture in every newspaper in the United States, including the New York Times. When I submitted the resolution calling for the creation of a world republic, I received very little mention in the newspapers with regard to the matter. In one Washington newspaper, in particular, I noticed a reference consisting of one sentence. It said in effect that another new Senator, TAYLOR, of Idaho, had introduced a resolution calling for the creation of a world republic. Next to the statement was a two-column wide picture of a man who had beat his wife on that same day.

I have no particular object in bringing this matter up. I do not know what moral I am trying to get across, whether the civilization about which I am anxiously concerned is worth saving, or what the particular point may be which is involved. Nevertheless, I am going ahead with my proposition and continue to the best of my ability. I am trying to familiarize the people with it by writing personal letters, and sending out copies of the resolution with solicitations of its support.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a copy of a letter I am addressing To Whom It May Concern, dealing with the subject matter of the resolution to which I have referred.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

To Whom It May Concern:

This is a letter to you from Senator GLEN TAYLOR, of Idaho.

"To whom it may concern" may seem a rather dull way to start a letter which poses the question, "What are we to do if mankind is to be saved from an atomic war which well may destroy our civilization?"

With that all-important question before us, it seems to me that when I address myself to "Whom it may concern," that should mean every civilized human being. Some uncivilized Eskimos, native tribes of the Congo, and a few others might escape the consequences of an atomic war.

Some of the rest of us might escape death only to eke out a miserable existence in a world so ruined and hopelessly destroyed as to throw mankind back into another era comparable to the Dark Ages.

What are we to do about it?

Frankly, I know of only one way to do anything that needs to be done, and that is get busy doing it. Never mind if there are those who say it cannot be done. Faith and hard work can accomplish practically anything.

Perhaps my own experiences may account for my optimism, but I also know that without faith I would never have come to this hour where I find myself in the position of being called upon to help in the solution of the most difficult crisis ever to confront mankind.

I am going to recount, briefly, my own story in the confident hope that it will inspire others to aid in accomplishing what many say is impossible. The creation of a world government with sufficient power to prevent wars and save humanity from the anguish and ordeal of a world-wide atomic war.

My father was a minister. I was raised on a small farm in northern Idaho; the twelfth of thirteen children. I rode horseback, or more often walked, 6 miles each day to obtain what formal education I enjoy.

My father's failing health forced me to strike out for myself at the age of 15.

I secured a job with a dramatic stock company and traveled over the West as an actor and manager until 1937.

As owner and manager of my own company I was hit a double blow in 1930 by the depression and the advent of talking pictures. In my travels I observed at first hand the suffering and privation of the people during those trying years. Indeed I too suffered hardship and actual hunger at times. I became deeply interested in the study of economics and political science.

A determination grew within me to do something—all that was in my power—to see that never again should the people of America go hungry in the midst of plenty.

In the fall of 1937 I established residence in my native State with the object in mind of running for office. Six months later I announced for Congress. I am sure that I was the only person in the world who had faith that I would eventually achieve my ambition.

While I may set my sights on seemingly impossible goals, I try to be practical in attaining them. I had to work with the tools at hand. At the time I had a cowboy band so I used the band to campaign. We would go into a community with our sound truck, start entertaining on Main Street, attract a big crowd, and then I would make my talk. I didn't enjoy doing this but I had to have publicity and lots of it or give up. I had no political organization. I came out fourth in a field of nine candidates in the primary. I had proven to myself that my theatrical background was not an insurmountable handicap.

In 1940 I announced for the Senate to fill the unexpired term of Senator Borah. Using the same tactics, I was nominated over strong opponents. Because I had not come up the hard way through long years of service in the party ranks the leaders of my own party refused to help and while Roosevelt carried the State by 25,000 majority and the entire State ticket was elected, I was defeated in the general election by 15,000 votes. A terrible beating in a State with a small number of voters.

The press was sure I was through. The politicians were happy. War came. I secured a job as a sheet-metal worker in a war plant. I ran again in 1942, was nominated in the primaries and again defeated in the general election but by only 4,000 votes. That was the end. Political experts and the press were certain no man could survive such a series of defeats. I returned to my war-plant job.

In 1944 I tried for the fourth time. I spent \$60 for campaign literature. That was all I could afford—no newspaper ads, no radio

talks, no band. My opponents spent thousands of dollars. I won the nomination, defeating the incumbent Senator by 216 votes. In the general election I defeated the Governor. I was finally elected United States Senator.

Despite the repeated use of the pronoun "I" this is not written boastfully, but rather to give courage to those who might think that their efforts cannot count for much in this great struggle to bring about a real brotherhood of man.

To bring action on this resolution, the people of America must raise their voices, thus making known their determination to end wars. If you know any Senators contact them personally. Write personal letters to your Representative or Senator.

Write to the President, to James Byrnes, the Secretary of State; to Edward R. Stettinius, our delegate to the United Nations Organization. Write to the Senate Foreign Relations Committee urging them to report the resolution (S. 183) out favorably. Write to your newspaper. All such letters from the people will have influence and effect. It is the only way. Try and get others to do the same.

Is all this a big job? The effect not worth the effort?

Before I went out to campaign in 1944 I wrote 3,000 letters in longhand, to everyone I knew in the State of Idaho. For every letter I wrote my opponents were spending many dollars.

Send for as many copies of this resolution as you can possibly distribute.

Your life and your children's life may depend on how earnestly you do your part toward establishing a world government capable of maintaining peace.

I have attended many meetings with the men who made the atomic bombs. They know what mortal danger we face. They are working ceaselessly to arouse the American people. I, myself, am working as many hours as I can stand. I ask and expect no less of you.

H. G. Wells, the noted historian whose predictions of things to come have proven remarkably accurate in the past, had this to say just recently. "The end of everything we call life is close at hand and cannot be evaded. There is no way out, around, or through the impasse. It is the end."

You can just pretend the situation does not exist and go on living as usual, or you can accept H. G. Wells' gloomy prophecy and prepare for the end, or you can do as many others are doing, including the scientists and myself. Refuse to admit that world government is a dream and start doing something about it. Personally, I like the slogan of the Army Service Forces; the men who built bridges under gunfire, landing fields on swamps, and the Burma Road. Here is their motto: "The impossible we do immediately; the miraculous takes a little longer."

They did it for war. We must do it for peace or perish.

REORGANIZATION OF GOVERNMENT AGENCIES

The Senate resumed the consideration of the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the senior Senator from Missouri [Mr. DONNELL], which will be stated.

The LEGISLATIVE CLERK. On page 14, it is proposed to strike out beginning with line 23, down to and including line 14 on page 15, and to insert in lieu thereof the following:

SEC. 4. (a) No reorganization plan shall take effect until there shall have been enacted a joint resolution approving such plan.

Each reorganization specified in a plan which shall have been approved by the enactment of such a joint resolution shall take effect on the date of enactment of such joint resolution or on the date specified pursuant to subsection (b) with respect to such reorganization, whichever may be the later date.

Mr. DONNELL. Mr. President, I desire to be heard further upon the amendment. In view of the importance of the issues involved, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Andrews	Gurney	O'Mahoney
Austin	Hart	Overton
Ball	Hatch	Radcliffe
Barkley	Hayden	Reed
Bilbo	Hickenlooper	Revercomb
Brewster	Hill	Robertson
Bridges	Hoe	Russell
Brooks	Huffman	Saltonstall
Buck	Johnson, Colo.	Smith
Bushfield	Johnston, S. C.	Stewart
Butler	Knowland	Taft
Byrd	Langer	Taylor
Capper	Lucas	Thomas, Okla.
Carville	McClellan	Tunnell
Chavez	McKellar	Tydings
Connally	McMahon	Vandenberg
Cordon	Magnuson	Wagner
Donnell	Maybank	Walsh
Downey	Millikin	Wheeler
Eastland	Moore	Wiley
Ellender	Morse	Willis
Ferguson	Murdock	Wilson
George	Myers	Young
Guffey	O'Daniel	

The PRESIDING OFFICER. Seventy-one Senators having answered to their names, a quorum is present.

AMENDMENTS TO GI BILL OF RIGHTS

Mr. JOHNSON of Colorado. Mr. President, will the Senator from Missouri yield to me?

Mr. DONNELL. I yield.

Mr. JOHNSON of Colorado. I ask unanimous consent that the Senate proceed to the consideration of House bill 3749, to amend the Servicemen's Readjustment Act of 1944, to provide for a readjustment allowance for all veterans of World War II, commonly known as the GI bill of rights.

Mr. MURDOCK. Mr. President, reserving the right to object, I simply want to call the attention of the Senate to the fact that the procedure now suggested is typical of the way Congress has been dealing with the subject of reorganization. In my opinion it is indicative of the interest the Senate of the United States, at least, takes in reorganization. The other day the debate on the reorganization bill was interrupted, and the bill was displaced by the Pearl Harbor discussion. Today the Senator from Colorado comes forward with a bill amending the GI bill of rights and asks unanimous consent to displace the reorganization bill in order to take up the GI bill.

In this instance, Mr. President, I think the Senator from Colorado is wholly justified in asking that the unfinished business be laid aside in order, as I understand, to clarify the GI bill of rights respecting the question of loans and other subjects contained in the bill. Certainly I would be the last Member of the Senate to object to the immediate consideration of that legislation. When I reserved objection I did so only to call

attention to the apparent lack of interest of the Senate of the United States in reorganization. It is hard to keep a quorum present. I predict now that unless Congress is willing to allow the President of the United States some latitude respecting reorganization, reorganization will simply be hopeless.

Mr. President, I do not object to the request made by the Senator from Colorado.

Mr. TAFT. Mr. President, reserving the right to object, I do not think we ought to set aside the pending bill for another bill. I object to the request of the Senator from Colorado. It seems to me that the reorganization bill is of very great importance. I think we ought to consider it or not consider it. If we are not to consider it today, perhaps it ought to go over until next week, when a greater number of Senators will be present. But if we are to consider it this week, I think we should consider it now, and not set it aside for any other measure.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. MURDOCK. The Senator from Colorado came to me and asked if I would object, and he assured me that not more than 30 minutes would be required to dispose of the bill he has in charge. I do not know, and neither does any other Senator, how long a time will be required. On the assurance of the distinguished Senator from Colorado that not more than 30 minutes would be required, it was agreeable to me temporarily to suspend consideration of the reorganization bill to take up the other bill. However, Mr. President, I shall insist that immediately on the disposition of the GI bill—unless the Senator from Ohio insists on his objection—consideration of the reorganization bill be resumed and continued.

Mr. TAFT. Mr. President, under those circumstances I object to setting aside the unfinished business.

The PRESIDING OFFICER. Objection is heard, and the bill cannot be considered.

Mr. JOHNSON of Colorado. Mr. President, I should like to be recognized, regardless of what the views of the Chair are.

The PRESIDING OFFICER. Objection has been made.

Mr. JOHNSON of Colorado. Will the Chair please recognize me so that I may ask the Senator from Missouri [Mr. DONNELL] to yield?

Mr. DONNELL. I yield to the Senator from Colorado.

Mr. JOHNSON of Colorado. I am sure that the Senator from Ohio [Mr. TAFT] does not wish to be discourteous. Before the Senator from Ohio makes his final decision in the matter I should like to say to him that so far as I am personally concerned, next week would be soon enough to consider the bill amending the Servicemen's Readjustment Act of 1944. However, the Senator from Georgia [Mr. GEORGE], who is very much interested in veterans' legislation, and who has always led in veterans' legislation in the Senate, will be compelled to be absent from the Senate next week.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE
COMMITTEE ON MILITARY AFFAIRS,
November 7, 1945.

The Honorable JAMES F. BYRNES,
The Department of State.

MY DEAR MR. SECRETARY: You have, of course, seen the reports made to the Mexican Senate by the Mexican negotiators of the Colorado River-Rio Grande Water Treaty. For your ready reference, we are enclosing a translation of one such official statement which has just reached us. This is by Engineer Adolfo Orive Alba, executive chairman of the National Irrigation Commission of Mexico, one of the negotiators of the treaty, whose position corresponds approximately to that of the Commissioner of the Bureau of Reclamation, in our country.

You will note that the interpretation of the treaty, relative to the Colorado River, with respect to quality of water and "extraordinary drought" is diametrically opposite to the interpretation given the American Senate by the American negotiators and the State Department. As to salinity, Engineer Orive Alba says, The water must be of good quality," and speaks of Mexico's "undeniable right to receive waters of good quality," whereas your Mr. Clayton and Mr. Tipton, negotiators for the United States, said that the Mexican negotiators plainly understood that Mexico was obliged to take whatever water the United States delivers, even though it may be so saline as to be unusable for irrigation purposes, and that memoranda were exchanged between the negotiators to indicate that intent. Other witnesses for the treaty supported that interpretation. (Hearings of Senate Committee on Foreign Relations, Clayton, p. 110; Tipton, pp. 322, 323, 324, 338, 342, 343; Stone, pp. 1487-1488; Giles, 1504; Wallace, 1536; Bashore, 1726-1727; Acheson, 1764-1766).

As to extraordinary drought, the Mexican negotiator reports:

"The amount guaranteed to Mexico can only be reduced in cases of extreme drought and only if extraordinary drought should bring about a reduction of all consumptions in the United States."

Your negotiator, Mr. Clayton, reported to the American Senate that—

"The drought does not have to occur simultaneously in all portions of the basin. It is sufficient if it occurs in any portion and results in the curtailment of usage" (p. 106).

Mr. Tipton said the matter was left open (p. 1085).

Obviously, the treaty does not express a meeting of the minds. This was virtually admitted, as to extraordinary drought, by Mr. Tipton (pp. 1088, 1089). Has the State Department attempted to clarify these points, and with what result?

So long as these ambiguities in the treaty are permitted to exist, the development of the Colorado River in the United States will necessarily be adversely affected by the uncertainties so created. One of the main arguments for the treaty was that it put an end to uncertainties which impeded development of the use of water in the United States.

At another point, reference is made in the enclosure to the National Irrigation Commission's detailed study, from the technical point of view, of each of the clauses, of each of the phrases, and even of the words of the treaty, with the interpretation which the National Irrigation Commission officially gives to them. In view of the diametrically opposite interpretations already disclosed, it would appear wise to see the balance of them. Has the State Department obtained this detailed study? If so, we respectfully ask an opportunity to examine it, together with the other portions of the Mexican legislative history of the treaty which you may have obtained.

Respectfully,

SHERIDAN DOWNEY,

BURNING THE BOOKS AGAIN!—ARTICLE BY JOHN HAYNES HOLMES

[Mr. WHEELER asked and obtained leave to have printed in the RECORD an article entitled "Burning the Books Again!" by John Haynes Holmes, published in the Progressive of November 5, 1945, which appears in the Appendix.]

AFTERMATH OF THE WAR—ARTICLE BY MILTON MAYER

[Mr. WHEELER asked and obtained leave to have printed in the RECORD an article entitled "You Pays Your Money," by Milton Mayer, published in the Progressive of November 5, 1945, which appears in the Appendix.]

SCHOOL OF INTERNATIONAL AFFAIRS IN MEMORY OF WOODROW WILSON—LET- TER FROM JESSE H. JONES TO PRESI- DENT NEWCOMB

[Mr. BYRD asked and obtained leave to have printed in the RECORD a letter dated October 23, 1945, from Jesse H. Jones to President John Lloyd Newcomb, of the University of Virginia, concerning the establishment at the University of Virginia of a School of International Affairs in memory of Woodrow Wilson, which appears in the Appendix.]

CLOSING OF THE HIGGINS INDUSTRIES— STATEMENT BY ANDREW J. HIGGINS

[Mr. OVERTON asked and obtained leave to have printed in the Appendix of the RECORD a statement by Andrew J. Higgins, president, Higgins Industries, Inc., entitled "Give Me Liberty!" published in the press on November 5, 1945, which appears in the Appendix.]

COMPULSORY MILITARY TRAINING— STATEMENT BY LEWIS G. HINES

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a statement entitled "Compulsory Military Training," written by Lewis G. Hines, legislative representative of the American Federation of Labor, which appears in the Appendix.]

PROMOTION OF INDUSTRIAL PEACE— WILL OF A MARINE LIEUTENANT

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an article from the Manchester Union of November 5, under the heading "Marine hero's bequest to better labor-capital relations revealed," which appears in the Appendix.]

BRITISH TRADES UNION CONGRESS ADDRESS BY WILLIAM C. DOHERTY

[Mr. LANGER asked and obtained leave to have printed in the RECORD an address delivered by William C. Doherty, vice president of the American Federation of Labor, at the British Trades Union Congress, Blackpool, England, September 13, 1945, which will appear hereafter in the Appendix.]

VIEWPOINTS OF SERVICEMEN—EDITO- RIALS FROM YANK NEWS

[Mr. MORSE asked and obtained leave to have printed in the RECORD two editorials from Yank News, one entitled "Tap Roots," from the issue for October 11, and the second entitled "The \$64 Question," from the issue of October 18, which appear in the Appendix.]

UNIVERSAL MILITARY TRAINING—EDI- TORIAL FROM THE OREGONIAN

[Mr. MORSE asked and obtained leave to have printed in the RECORD an editorial entitled "The Witnesses, Please," from the Oregonian for October 24, 1945, which will appear hereafter in the Appendix.]

STATEMENT BY W. L. MALLON BEFORE HOUSE SMALL BUSINESS COMMITTEE

[Mr. KNOWLAND asked and obtained leave to have printed in the RECORD the state-

ment made by W. L. Mallon, of Newark, N. J., president of the National Automobile Dealers Association, before the House Small Business Committee on November 8, 1945, which appears in the Appendix.]

BEYOND THE ATOMIC BOMB—CONDEN- SATION OF REPORT BY DR. VANNEVAR BUSH

[Mr. MAGNUSON asked and obtained leave to have printed in the RECORD an article entitled "Beyond the Atomic Bomb," being a condensation of the report to the President by Dr. Vannevar Bush, Director of the Office of Scientific Research and Development, which will appear hereafter in the Appendix.]

HOSPITAL AID—EDITORIAL FROM WASHINGTON POST

[Mr. TAYLOR asked and obtained leave to have printed in the RECORD an editorial entitled "Hospital Aid," published in the Washington Post of November 6, 1945, which appears in the Appendix.]

BLUE DISCHARGES—EDITORIALS FROM THE PITTSBURGH COURIER

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD editorials from the Pittsburgh Courier dealing with "blue" discharges, which appear in the Appendix.]

REORGANIZATION OF GOVERNMENT AGENCIES

The Senate resumed the consideration of the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

Mr. McCLELLAN. Mr. President, in the November 4 issue of the Commercial Appeal of Memphis, Tenn., there appeared a very commendable editorial dealing with the action taken by the United States Senate last week in adopting the Overton amendment to the pending bill. In my opinion, the editorial expresses the overwhelming sentiment of the people of the river valleys throughout the United States. I ask unanimous consent that the editorial may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

KEEP UP THE GOOD FIGHT

Due to the vigorous fight made by Senator OVERTON, and the support given him by his valley colleagues, an amendment exempting the War Department's civil functions from provisions of the reorganization bill has been included in that measure. The Senate vote for inclusion was 36 to 18.

The exemption specifically protects the Corps of Engineers and is intended to prevent transfer of flood-control and navigation projects to any other agency of Government, something Washington political bureaus have long wanted to do.

That the supporters of the Overton amendment were greatly encouraged by the backing given them by the people of the river valleys which would be seriously affected by such a change, goes without saying. It is necessary, however, for that backing to be maintained and, if possible, increased.

The reorganization bill will probably get final Senate action this week and then go to conference. The Overton amendment must be sustained by the House and Senate conferees. The good fight which has been made must be kept up. The people of the valleys should continue to make their sentiments known up until the very moment that final action is taken on the reorganization bill.

Army engineers have had American rivers and harbors under control for 125 years. They have saved the valleys again and again.

They have used them to train officers who became really great wartime leaders. One was Robert E. Lee. Another is Douglas MacArthur. There have been many.

A system which can produce men like that doesn't need any change. Let's make sure there won't be any.

Mr. MURDOCK. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MURDOCK. I understand that the unfinished, pending business is Senate bill 1120, known as the reorganization bill.

The PRESIDENT pro tempore. It is; and the pending question is on agreeing to the amendment, as further modified, proposed by the Senator from Missouri [Mr. DONNELL], beginning on page 14, line 23, as a substitute for section 4 (a).

Mr. MURDOCK. It is my hope that we can dispose of the reorganization bill today. I trust Members of the Senate will continue their presence, and that before the session is over today we shall have disposed of the bill.

LABOR—AND THE RESPONSIBILITY OF CONGRESS

Mr. MOORE. Mr. President, the deplorable situation in which organized labor, management, and the public find themselves in this critical period emphasizes the failure of government and in particular the Congress to discharge its responsibility in the public interest. On the 14th of this month the war will have been over 90 days, and we have not yet made any substantial headway toward reconversion to a peacetime economy. Disastrous strikes in the ranks of organized labor are growing day by day. Reconversion plans of practically every important industry have been brought to a standstill by these strikes which have, in turn, shut down innumerable other businesses and thrown hundreds of thousands out of work. Many groups of key workers, such as the elevator operators in New York, and transportation and communication employees, have tied up business in general, all to the inconvenience of the people and the destruction of public morale.

Union labor has indeed been shortsighted in its demands upon management at this time because it is too early in the reconversion period for management to determine whether or not it can survive and meet the demands that are being made. It is foolhardy for organized labor to paralyze production by strikes and thus destroy industry's ability to comply with the very demands made upon it.

Labor proceeds on the fallacious and unsound argument that there will be a continuation of the false prosperity generated by war and that industry is therefore justified in making large wage-increases on the basis of past and anticipated future earnings. No management that respects its responsibility to its investors, its employees, and the public can raise current production cost until current earnings for such purpose are in sight. To borrow money to be repaid at a future date on anticipated earnings is one thing, but to raise current operating expenses against the possibility of future profits is quite another thing. Mr. Tru-

man offers the unsound suggestion that business raise wages now sufficiently temporarily to satisfy the situation, and if at the end of 6 months operations show a loss, then bring the matter to the Government control agencies; and although nothing is promised, business is assured that its problem will be considered. The kindest thing that can be said of this suggestion is that it is "economic assassin." Such political reasoning puts the cart before the horse.

It would have been much wiser and it would have displayed a great deal more business sagacity and demonstrated a much deeper understanding of the situation, and certainly it would have inspired the respect of the public, had organized labor joined with industry in this early period of reconversion to reestablish production, freedom of prices, and removal of other governmental restraints and controls. If labor had withheld its wage demands until the wheels of industry had once again commenced peacetime production of consumer goods so necessary and desirable to fill the great backlog of orders that has accumulated during the war years, and the processes which made it possible to pay higher wages had become operative, I have every confidence that the industrial strife into which the country has been plunged would have been avoided. In this respect, the leadership of labor has failed. This, however, is not surprising when the factors that have made possible our present-day so-called labor bosses are analyzed and understood. Such failure is understandable when the conduct of the administration and its advisors is reviewed. It has been the policy of the administration's pseudo economists to encourage labor to make premature demands. The result has been wholesale strikes and a freezing of the productive forces of the country at the expense of the general welfare, mounting unemployment, inflation, and a continued lowering of living standards.

The President's willy-nilly radio address of Tuesday night, October 30, was filled with inconsistencies, irrelevant, and unjustified attacks upon the Congress, and unsound economic observations. In effect he declared that the administration was washing its hands of the whole affair. The speech had all the earmarks of being written by diversified pressure groups who were politicians and not economists. The soft and timid pleadings that labor and management should be good boys and sit across the table in the spirit of good fellowship and settle their differences with generosity and magnanimity for the position of the other fellow, are platitudes with which no one can quarrel, but such a weak leadership is indicative of either the voice of inexperience or the deliberate shirking of a difficult responsibility.

This week the President's so-called Labor-Management Conference is in session to devise a plan or formula for the adjustment of labor disputes. A wage which industry can afford to pay and which will be acceptable to labor is essential to industrial peace and prosperity. It is, of course, obvious that there is no formula or fixed plan by which wages may be determined. The only place the answer can be found is in pro-

duction and profits, which are the only factors that measure the ability of industry and business to pay wages. Wages constitute the largest share of the national income. They cannot be fixed in advance of a determination with some reasonable degree of certainty as to what our earning ability will be.

The President says that the reduction in take-home pay is caused by shorter hours, down grading of job classifications, and the loss of time and a half for overtime. The President is mistaken. These are not causes, but rather results caused by the termination of the war. During the war labor sold its product directly or indirectly to the Government under war conditions, and was paid from the pocketbook of the Public Treasury. Today labor and the administration must understand that labor must be marketed in a free market at a price which private enterprise can afford to pay, measured only by the profit that can be derived from the production of labor.

The administration fails to understand that wages, prices, production, competition, marketing, and business advantages are questions of hard and unyielding economy. They must be settled on sound economic principles if freedom of private enterprise is to continue in America. They are not problems that are settled by brotherly love. Business in a free economy is not a Sunday school picnic. On the contrary, it is the legitimate striving for competitive advantages. Because of this characteristic of a free economy, it is necessary for Government to establish by law legal procedures that will guarantee the maintenance of such rights and privileges for all.

For more than a decade, however, the administration policy has been one that frankly declared its purpose to destroy business, industry, and private enterprise, and to substitute a controlled economy and promote the supremacy of unionized labor. By virtue of such policy unscrupulous labor bosses, drunk with power and greed, have sifted their way to the top of a great many unions. These so-called labor bosses not only control most of unionized labor but they have controlled Government policy-making and the enforcement of such policies. Presently the people are victims of an administration which, while mouthing the platitudes of a free economy and the preservation of private enterprise, lacks the courage, foresight, and apparently the ability to do those simple things necessary to reestablish the economic forces that will promote and maintain this American heritage.

During the early business development of this country we saw industrial racketeers, unhampered by any rules of law, climb to the pinnacle of financial power. The attitude of "the public be damned" was much in evidence. The ruthless destruction of competitive rights was a part of the business day. Conspiracies to control and monopolize trade and commerce became a business policy of those who ruled by sheer power of financial position. The oppression of labor, the subordination of public officials and even the National Government, were not outside the self-made code of these busi-

S. 1120

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8 (legislative day, OCTOBER 29), 1945

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. REVERCOMB to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes, viz:

- 1 On page 15, line 6, after the words "reorganization
- 2 plan" insert: "and the two Houses of Congress shall pro-
- 3 ceed to a consideration of said reorganization plan without
- 4 referring it to a committee".

AMENDMENT

Intended to be proposed by Mr. REVERCOMB to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

NOVEMBER 8 (legislative day, OCTOBER 29), 1945

Ordered to lie on the table and to be printed

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued November 13, 1945, for actions of Friday, November 9, 1945)

(For staff of the Department only)

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HIGHLIGHTS: Senate continued debate on Government-reorganization bill; debated Sen. Byrd's amendment which would make any reorganization plan effective after 60 days unless rejected by concurrent resolution. Sen. Willis opposed "indiscriminate" Federal salary increases.

SENATE

1. GOVERNMENT REORGANIZATION. Continued debate on S. 1120, the reorganization bill (pp. 10737-50, 10761). Most of the debate was on Sen. Byrd's (Va.) substitute (for Sen. Donnell's amendment) to provide that any reorganization plan shall be effective after 60 days unless rejected by concurrent resolution.
2. FEDERAL PAY INCREASES. Sen. Willis, Ind., spoke opposing "proposals to raise salaries indiscriminately" (pp. 10736-7).
3. NOMINATION. Confirmed the nomination of Chester C. Davis to be a member of the OWMR Advisory Board (p. 10765).
4. ADJOURNED until Tues., Nov. 13 (p. 10765).

HOUSE

NOT IN SESSION. Next meeting Mon., Nov. 12.

BILLS INTRODUCED

5. EXPORT-IMPORT BANK. S. 1582, by Sen. Barkley, Ky., to authorize the Export-Import Bank of Washington to extend its operations to include the Philippine Islands. To Banking and Currency Committee. (p. 10733.)

ITEM IN APPENDIX

6. EMPLOYMENT; UNEMPLOYMENT COMPENSATION. Extension of remarks of Sen. Wagner, N.Y., favoring a Federal employment and unemployment-compensation system and including an Atlanta Constitution editorial on the subject (p. A5166).

BILL APPROVED BY THE PRESIDENT

7. REVENUE ACT OF 1945. H.R. 4309, to provide for reductions in taxation and for the continuation of the Treasury Department's power to authorize Government exemptions from certain excise taxes. Approved Nov. 8 (Public Law 214, 79th Cong.).

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COMMITTEE HEARINGS ANNOUNCEMENTS for Nov. 13: S. Commerce, Mississippi flood-control bill (ex.); S. Education and Labor, national system of employment offices; S. Appropriations, rescission bill (ex.); H. Appropriations, deficiency (ex.); H. Labor, minimum-wage bills; H. Military Affairs, universal military training; H. Rivers and Harbors, water-pollution control.

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For supplemental information and copies of legislative material referred to call Ext. 4654, or send to Room 112 Adm. Arrangements may be made to be kept advised, : routinely, of developments on any particular bill.

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ITEM IN FEDERAL REGISTER Nov. 9, 1945

8. PERSONNEL; VETERANS. CSC's regulation on appeals of preference eligibles under the Veterans' Preference Act (p. 13769).

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by publicizing his views that Members of the Congress should have 100 percent salary increases, for example, no doubt gave a talking point to many labor leaders who would be more than gratified if they knew that they could get only a 30-percent increase in wages.

Likewise, by coming out for a blanket increase in white-collar Government salaries, the President set the pace for other groups who will be demanding blanket increases all up and down the line.

Mr. President, I have no doubt that there are many inequities in pay in the Federal service, especially in the lower brackets, and I am now, as I always have been, in favor of seeing to it that the Federal salary scales approximate those paid for comparable laborers in the private field.

But, Mr. President, you and I know that there are concomitant benefits that accrue to persons working for the Federal Government which do not accrue to the millions of other plain citizens throughout the Nation. In a time of depression, Federal salaries are not lowered as quickly as wages and salaries generally. Our whole history as a nation proves this. Furthermore, there is a greater degree of security to be found in working for Uncle Sam in the various bureaus than can be found elsewhere. A person can be very mediocre indeed and hold down a job in the Federal service in the average or lower-than-average ranges; whereas if he were working elsewhere he would be under threat of competition for his job.

I do not believe that the Truman request for higher Government pay was well-timed coming along with the effort to reduce Government income. It certainly was ill-timed from the standpoint of the Victory loan drive now in progress. Millions upon millions of Americans who will be asked to invest in Government bonds this month will wonder if a great percentage of their money is to go into useless political patronage measures, or whether it is to be used to get a dollar's worth of service for a dollar's worth of investment in government. The millions who ponder present administration measures which tend to make the dollar lose its value will accept this proposal as further evidence that we are in for more and more thriftless spending of the taxpayers' money.

Mr. President, I need not go into detail about the plight of millions of Americans who have been living on fixed incomes during all the recent years when we were being told that this administration was holding the line but when, nevertheless, the purchasing power of the dollar was going down, down, down. Those millions—white-collar workers, persons living on pensions, persons living on incomes from investments, persons living on annuities—all know that the cost of living has risen far beyond what the Government has admitted through its official indexes. The more thoughtful among them know, also, that the present administration is continuing the profligate spending of recent years, and this utter lack of regard for money has caused much of the needless increase in the cost of living. They are wondering to-

day if we in Congress are going to acquiesce once more and allow hundreds of millions—yes, billions—of dollars to be frittered away.

As every economist knows, Mr. President, money spent on Government salaries is not productive money in the usual sense. Bureaus do not turn out goods and many of them turn out very few services, considering the appropriations they obtain.

The distinguished Senator from Virginia [Mr. BYRD], recently pointed out that we now have more than 3,500,000 Federal employees in this and in foreign countries. That is the greatest number in the history of this free Nation and even more than the number on the pay roll a year ago. We have been assured that this number is being cut rapidly, but we have heard such assurances again and again in past months while the number remained constant.

Since President Truman's accession to the highest office of our land he has used the word "economy" many times in his published speeches, but thus far, I am compelled to admit sadly, he has exhibited little apparent comprehension of what the word means. This latest proposal—to raise Government salaries up to 100 percent—seems to reveal that his conception of what constitutes economy is far different from that of the average citizen.

If we are to carry out these and other proposals sent to the Congress by President Truman, I know that we will long delay the time when Government expenses can be kept within the Government income.

I do not attack the idea, Mr. President, of specific pay increases for specific Federal agencies. I have not closed my mind to voting for further increases for many types of Federal employment, as I voted for increased pay for postal clerks and carriers and bonus for low-paid Government clerks. I speak merely against the blanket increases proposed by the President, and I speak to show that this is but another hole which the administration is digging in its much-vaunted dike to hold back the flood of inflation.

In reality, greater and greater numbers of our citizens are coming to an understanding, that this administration is promoting inflation day by day, by its activities, while talking as if it were trying to keep down the cost of living. Just how long this kind of talk can fool a majority of the voters, in face of the clear actions which tend to promote inflation, remains to be seen. I think it will not be successful much longer.

Mr. President, I ask unanimous consent to have inserted at this point in the RECORD an editorial entitled "Government Pay Raises," taken from the Washington Post.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GOVERNMENT PAY RAISES

President Truman's request for a flat 20-percent salary increase for classified Federal workers follows by only a few months the passage of a pay-raise bill that partially compensated them for prospective losses of overtime pay with a return to the 40-hour

week. Last July the basic salaries of classified employees were increased on the average 15.9 percent by gradations starting at 20 percent. Moreover, in-grade promotions made further additions to salaries, raising average annual straight-term earnings by 21 percent. Now it is proposed to add another 20 percent to the new basic rate. This would bring average increases in basic pay since last July well above the 30-percent estimated rise in living costs since the outbreak of the war and more than offset recent losses of overtime pay. We have no doubt that any such sudden boost in pay for Federal salaried employees would be regarded as a precedent justifying the extreme demands now being made by workers in private industry for increases in basic rates of pay to offset in full the loss of overtime pay.

There is unquestionably need for a complete overhauling of Federal classified salary scales, but it should be done with a view to establishing fair rates of pay for a group of employees whose jobs are relatively secure. The position occupied by these white-collar employees differs in many important respects from that of manual workers who have been the chief beneficiaries of wartime inflation of earnings. The Government ought to set a good example for private industry in dealing with salaried workers. Treatment should be fair and generous; and if it develops that any group of Federal employees is underpaid by comparison with individuals of equal ability in private employment, adjustments should be made. However, there is no present need to apply any fixed formula or flat rate of increase such as 20 percent to all classes of Federal employees from the lowest to the highest grades. * * *

Federal salary revisions should be undertaken with long-range objectives in mind, not with the intention of influencing post-war private wage policies during the reconversion period. For that reason it is unfortunate that the President has made his request at a time when public interest is concentrated on wage controversies.

REORGANIZATION OF GOVERNMENT AGENCIES

The Senate resumed the consideration of the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment, as further modified, proposed by the Senator from Missouri [Mr. DONNELL], as a substitute for section 4 (a), beginning on page 14, line 23.

Mr. HATCH. Mr. President, I had desired to make a few remarks on the pending bill, but I understand the junior Senator from Virginia [Mr. BYRD] is obliged to leave shortly, and I yield the floor at this time.

Mr. BYRD. Mr. President, I offer a substitute for the amendment offered by the Senator from Missouri [Mr. DONNELL], and ask that it be stated.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 14, beginning with line 23, it is proposed to strike out all down to and including the word "plan," in line 6 on page 15, and insert in lieu thereof the following:

SEC. 4. (a) The reorganizations specified in the plan shall take effect, in accordance with the plan, upon the expiration of the first period of 60 calendar days, following the date on which the plan is transmitted to the Congress, during which the Congress shall be in session without adjournment sine die, but only if during such 60-day period there has not been passed by the two Houses a concurrent resolution stating in substance that

the Congress does not favor the reorganization plan.

Mr. BYRD. Mr. President, the purpose of this substitute is to provide that any reorganization plan submitted by the President to the Congress shall be operative 60 days thereafter unless a concurrent resolution is adopted, rejecting the plan submitted by the President. That is practically identical with the language which was contained in the House bill which was passed on the same subject. Further, it is practically identical with the last reorganization bill which was passed, which required the passage of a concurrent resolution of rejection in order to make inoperative any plan which the President might submit.

I invite the attention of the Senate to the fact that under the substitute offered by me, the following language on page 15, beginning with line 6, is not deleted and would still be operative:

Provided, That if during such 60-day period either House of the Congress shall pass a resolution referring the reorganization plan back to the President with a request for specific changes, the running of such 60-day period shall be stayed until such time as the President shall reaffirm his approval of the plan as transmitted, or shall retransmit the plan with changes; and if he shall retransmit the plan with changes, it shall be deemed to be a new reorganization plan.

That part of that particular section remains as reported by the committee.

I wish to state at the opening of my remarks that I have changed my position on this question, and I wish to give my reasons for doing so. When the last reorganization bill was before the Congress in 1939 I voted for an amendment offered by the Senator from Montana [Mr. WHEELER] which was similar to the amendment offered by the Senator from Missouri [Mr. DONNELL], providing that no reorganization plan could be made effective as recommended by the President unless affirmative action were first taken by both branches of Congress. My reasons for changing my position on this question are these: Present conditions are vastly different from those existing in 1939. Today there are nearly four times as many Federal employees as there were in 1939. I believe there are nearly four times as many as many bureaus, departments, and agencies of the Government as there were in 1939.

I am convinced, after 12 years of study on the subject of reorganization, that the only way to get a worth-while, honest-to-goodness reorganization is to abolish bureaus and agencies of the Government and reduce the number of personnel wherever possible, rather than merely to shift one bureau to another. I think the only way to accomplish that is to give the President the power to do it, after exempting the quasi-judicial agencies of the Government. Give him the power to reorganize the executive branches of the Government, subject, of course, to the right of Congress to reject any plan by concurrent resolution adopted by both branches.

I believe that one of the greatest domestic problems confronting our country today is that of reorganizing the vast and bloated bureaucracy which was already great before the war, but which

has grown to unprecedented proportions during the war. Today in the Federal service there are 3,600,000 employees, scattered throughout the length and breadth of this land, as well as outside the country. They are located in every nook and corner of America. Every little town, every county seat has 5, 6, 8, or 10 branch bureaus of the Government.

This civilian army has great political power. More than a half million of the three and a half million Federal employees are located outside continental United States, so I will not include them, although they are on the civilian pay roll and should be subject to reorganization. I think we can justly say that each of the 3,000,000 employees located in this country can control two or three votes. So we have a vast voting army of seven, eight, or nine million votes which can be cast one way or the other to protect existing jobs.

Since this debate has been in progress there has been on the wall of the Senate a chart which shows the tremendous lengths to which the Federal bureaucracy has gone. For example, in the executive office of the President there are 13 principal component parts. In the 10 major departments authorized by law there are 499 bureaus and agencies. I am speaking of the large bureaus and agencies, and not the small ones. In the 23 major war agencies which were created by Executive order there are 264 bureaus, and each head of a bureau is constantly trying to increase his personnel. Under the civil-service regulations the salary of the head of a bureau is increased in proportion to the number of employees under him.

There are 26 independent agencies which are not responsible to any of the main departments of the Government. Those 26 agencies have 265 main bureaus and agencies under them. So today we have 1,141 component parts of the great bureaucracy which has been created.

Mr. President, I am convinced that President Truman desires to accomplish an effective reorganization of the Government. He desires to reorganize the Government so that money can be saved, so that overlapping and duplication of activities can be eliminated, and so that the Government may function more smoothly and more economically. Not only is the cost of this bureaucracy great; but, including the salaries of employees outside the United States, the civilian pay roll totals \$9,000,000,000. Nine billion dollars is spent on salaries and wages of the civilian personnel of the Federal Government. When I came to the Senate in 1933 the total cost of Government was only \$4,000,000,000.

I talked to the President about this matter because I wanted to know his attitude; I wanted to know whether he could convince me that he desired in his heart to effect a reorganization of the Government if he had the power to do so. He did convince me that he desires to do it.

Mr. President, we may as well be frank about the matter. I have heard it said on the floor of the Senate, "Let Congress reorganize." But the only way to reorganize the Government is to give the power of reorganization to the President

and then depend upon him to accomplish it, and hold him to a strict accountability.

I took a great interest in reorganization when I served as Governor of Virginia. I made it one of my primary concerns when I was serving in that capacity. When I came to the Senate in 1933, I continued my interest in that line of activity. In 1935 I submitted a resolution, which was adopted, establishing a committee on reorganization. That committee received an appropriation of \$25,000 for the purpose of developing a plan. The committee employed the Brookings Institution, which I think is the best authority on governmental organization in the country. We employed that institution to aid in preparing for Congress a comprehensive plan of reorganization; and it was done; but nothing was accomplished. We could not get through a single bill for reorganization, because governmental bureaus are constantly lobbying in Congress again any effort to reduce their powers.

So, Mr. President, I am here today for the first time, I think, during the years I have served in the Senate to say that I have changed my opinion; I have changed my position. I may be called inconsistent; but I am doing it in the desperate hope that there may be some way to accomplish a reorganization of the Government, the vast bureaucracy of which, I think, imperils the very foundations of our democracy.

The money question is merely one part of the problem. The \$9,000,000,000 which we are spending for the services of the civilian employees is merely one part of it. The other part is the duplication of activities in Washington. A businessman must go from one agency to another before he can get an answer to his questions or before he can find out what he wants to know. Businessmen come to Washington. Frequently they must go to Baltimore, and sometimes they must go to Chicago, because many agencies have been moved out of Washington as there was not enough room for them here. Perhaps they must go to New York. All of that takes time. It is irritating and conflicts with their business requirements.

So, I am here to say frankly that I have changed the opinion I formerly held. I know that Senators who do not agree with me will read, as they have done, the statements which I made in 1939 in favor of practically the same plan as that which the Senator from Missouri [Mr. DONNELL] now proposes; but, regardless of whether I am charged with inconsistency, I am offering this amendment as a substitute for the Donnell amendment because I want the President to have the power to effect the reorganization and I want the Congress and the people themselves to hold the President to a strict accountability for the use of that power, and because I am so desperately anxious in some way to have a reorganization of the great bureaucracy, which has been built up in the Federal Government, so that there may be a reduction of personnel, an avoidance of conflicting and overlapping activities,

and a saving of great sums of money to the Federal Treasury.

Mr. TAFT. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from Virginia yield to the Senator from Ohio?

Mr. BYRD. I yield.

Mr. TAFT. Mr. President, since I have been in the Senate I do not know what work has been done in the committee in the way of formulating and presenting to the Senate a reorganization plan. I do not remember that any reorganization plan has been presented to the Senate. I do not understand why the Senator's committee did not present a reorganization plan, because I think a reorganization plan can pass the Senate, regardless of the opposition of bureaus or agencies.

Does the Senator know of a case of a bill to reorganize any substantial part of the Government having been presented to the Senate itself?

Mr. BYRD. Mr. President, I will say to the Senator that the committee could never even agree upon a plan.

Mr. TAFT. Then, it seems to me that must be the fault of the committee. Today the Committee on Banking and Currency is taking steps toward the reorganization of the housing agencies of the Federal Government. Our subcommittee has held hearings. The Senator from New York [Mr. WAGNER] and the Senator from Louisiana [Mr. ELLENDER] introduced a bill providing for the coordination of all the housing activities of the Government. It was done temporarily under the Overman Act. We propose to make it permanent. We held hearings as to what the relationship should be and how far the Government's housing activities should be under the Housing Administration or whether they should be separate. Those were important questions of policy which determine the whole housing policy of the United States Government. We ought to determine it and we propose to determine it. We did bring in that bill setting out the housing policy of the Government and coordinating the housing bureaus and agencies of the Government.

I think we can do the same thing in other fields. I do not think there is any evidence to show that a similar effort has been made in other fields. I do not refer to an attempting to reorganize everything at once, but I mean the taking up of one thing at a time and presenting it to the Senate.

Mr. BYRD. Mr. President, the Senator was not in the Senate when that effort was made. We made a determined effort. I certainly made every effort I was capable of making to bring about reorganization.

Mr. TAFT. I do not think any plan was presented to the Senate itself.

Mr. BYRD. Mr. President, let me say to the Senator from Ohio that it would be perfectly absurd to present one complete plan for the reorganization of the entire Government.

Mr. TAFT. Yes; and the President will not do it, either; I quite agree with the Senator.

Mr. BYRD. But according to the idea just enunciated by the Senator from

Ohio, the Committee on Education and Labor would consider the reorganization of agencies dealing with labor, and the Banking and Currency Committee would consider and bring in a plan for the reorganization of the Government's housing activities, including the Housing Administration about which the Senator from Ohio has spoken; and there would be no end to it all.

The reorganization now proposed must be effected with consideration given to other agencies and departments, because there are a number of subjects, let me say to the Senator, which affect any number of departments or agencies. For instance, as to housing, about which the Senator has spoken, 22 units now are engaged in housing activities. Twenty-seven agencies are engaged in work having to do with standards and inspection; 29 are engaged in the field of statistics; 24 are engaged in map-making; 16 are engaged in education; 14 are engaged in surplus-property disposal; 14 are engaged in the field of safety provisions; 27 in labor relations; 16 in water power and power; 10 in veterans' aid; 20 in conservation of natural resources; 24 in rehabilitation; 22 in insurance; 21 in transportation; 93 in Government lending; 37 in foreign trade; 45 in investigations; 8 in pensions and annuities; 37 in public health; 27 in employment and unemployment matters; 305 in national defense; 6 in public buildings; 64 in business relations, and 44 in agriculture.

But under the plan of the Senator from Ohio, bills relating to those various subjects would go to different committees; they could not be considered by one committee as a whole, and that, in my judgment, is essential if we are to achieve a reorganization of the Government, which will be administratively possible, and at the same time effect any economy.

Mr. TAFT. Mr. President, will the Senator further yield?

Mr. BYRD. I yield.

Mr. TAFT. I see no reason why the whole plan should not go to the Committee on Expenditures in the Executive Departments, if that is what the Senate wishes to do. This bill proposes a radical change in the rules of the Senate. We can change the rules of the Senate. We must not say that because some rules of the Senate prevent an effective consideration of these matters, therefore we must turn the whole matter over to the President. If that is what prevents it, we may amend the rules ourselves, and I see no difficulty in doing so.

Mr. BYRD. The Senator has just said he would not advocate one omnibus bill.

Mr. TAFT. No; I would not. But obviously the plan must be worked out with an over-all approach. As the Senator has said, it is perfectly proper that the President recommend, in the first instance, an over-all approach. Today we are preparing to enter a new era following the war, and I say it is not only the right but the duty of the Congress to set out the over-all, skeleton organization. I have no objection, within certain limits, to delegating power to the President to shift bureaus. But merely because we are unwilling to change our

rules I do not think we can excuse ourselves for saying that we must turn the whole matter over to the President of the United States and abandon our legislative functions.

Mr. BYRD. We had such a situation for a long time, and no harm was done by it.

Mr. TAFT. The Senator has referred to the saving in expense. The Senator will remember that in 1939 the plea was made to allow the President to reorganize the Government. We gave him 2 years in which to reorganize the Government. He presented a number of plans, such as that of consolidating the Federal Security Administration, the Federal Works Agency, and the Federal Loan Agency. Bureaus were moved and consolidated within those agencies. Does the Senator know of one cent having been saved by such consolidation?

Mr. BYRD. I believe in justice to President Roosevelt—and certainly I criticized him severely for his failure to economize in Government expenditures—it should be said that the last reorganization bill upon which we acted was passed in 1939. There was certainly no opportunity to reorganize during the time when we were preparing for war, nor subsequently when we got into the war. I believe that President Truman is far more economy minded than was Mr. Roosevelt. I believe that President Truman is far more desirous of economizing and bringing about efficiency in the administration of the Government than was the late President Roosevelt.

Mr. TAFT. Can the Senator point to 1 cent which was ever saved by any of the consolidations which were brought about?

Mr. BYRD. I agree that nothing was saved. However, the proposed reorganization will be undertaken by a President who had no responsibility for the plans previously submitted, and I am hopeful that the new plans will be designed to accomplish efficient administration of the Government along economical lines.

Mr. REED. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. REED. I merely wish to make a remark in illuminating past history.

In 1939 the only votes which were cast on this side of the aisle for the reorganization bill were cast by the Senator from Ohio [Mr. TAFT] and myself, the junior Senator from Kansas. The Senator from Ohio and I were in favor of the 1939 reorganization plan.

Mr. TAFT. I voted at that time for the Wheeler amendment to the bill which was similar to the amendment which has been proposed by the Senator from Missouri [Mr. DONNELL]. It was defeated by one vote. I understand that the position of the Senator from Virginia with regard to the matter has changed since then.

Mr. BYRD. Not only has the position of the Senator from Virginia changed but conditions have changed. We have a far more difficult question of reorganization now than we had in 1939. We have four times as many employees now as we had then, and we now have seven or eight times as many bureaus as we had in 1939.

Mr. TAFT. I believe that the Government should be reorganized. I doubt whether very much money will be saved by a reorganization of the Government, but I will concede that in the case of the housing reorganization, which was accomplished under the wartime act, and therefore only temporary, duplications were removed and contradictions in policies were eliminated. But I see no reason why reorganization cannot be brought about in the same way that other measures of a legislative character are effected. Why should not the President study the matter, present a plan to the Congress, and let Congress determine the method by which the plan shall be adopted?

I believe that we should change our rules. It seems to me that the difficulty in connection with reorganization plans is in the power provided with which to amend them. Taking an over-all plan and incorporating in it an amendment to eliminate this and eliminate that, upsets the entire theory on which reorganization should be accomplished. When the President submits a plan, let us say "Yes" or "No" to the plan as a whole. In so doing there would be involved a perfectly reasonable exercise of the powers of Congress. I see no reason why Congress should not say "Yes" or "No" with regard to a reorganization plan in the same way that it says "Yes" or "No" with regard to any other policy which is proposed by the President of the United States.

Mr. BYRD. I know that the Senator from Ohio has been extremely diligent in regard to all the matters which we are discussing, and I do not recall that I have ever differed with him before on a question of this nature. He has done a magnificent job along these lines, but I emphatically differ with him on this occasion.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. BARKLEY. I wish to interrupt the Senator merely to state that I concur with the remarks which he made a few moments ago in regard to the temporary reorganization bill which was passed in 1939. The Senator and I were both members of the special committee which considered the subject, the chairman of which was the present Secretary of State Byrnes. We worked a long time on the matter. We held exhaustive hearings. We reported what we thought was the best bill we could agree upon at that time, but it was an imperfect bill at best. Its effect was temporary. As the Senator has said, war was imminent. We were in the fever of a world war in which we had not yet entered, but in which we were trying to take steps to defend our country. Reorganization of the Government took place to some extent. The reorganization was not so extensive as it probably should have been even in abnormal times. But that is water over the dam, and there is nothing that we can do about it at this time.

I agree with the Senator that regardless of the technical and theoretical ability of Congress to reorganize, we know that it has never done so, and the chances are that it will not do so. Separate com-

mittees consider the reorganization of separate agencies. They look through a porthole at those agencies rather than look at their relationship with other agencies the reorganization of which must be handled by other committees.

It is all very well to talk about amending the rules. But for several months we have had one committee handling the subject of reorganizing the Congress, and the committee has not yet been able to make a report. So I agree with the Senator that authority must be given to the President. He must be held responsible, and if authority is given to him he should exercise it to the fullest extent of his power.

I may also add that I agree with the Senator's amendment. Whenever the President presents a plan to Congress, its acceptance or rejection should not depend on the action of one House alone, because we do not legislate by the action of only one House of Congress. Provision should be made for the reorganization becoming effective at the end of a specified period of time, which we have generally agreed upon as being 60 days, unless Congress affirmatively, by action of both Houses, rejects the plan. For that reason I support the amendment which has been offered by the Senator from Virginia. I am glad to do so, notwithstanding that someone may accuse him of inconsistency. We know that by and large consistency is frequently the hobgoblin of small minds. Whatever may be the faults of the Senator from Virginia, no one may ever accuse him of having a small mind. [Laughter.]

Mr. TAFT. Mr. President, this proposal would bring about the most important change in the rules of the Senate that has occurred since I have been a Member of the Senate. However, it is not considered by the Senator from Virginia or by the Senator from Kentucky as being any obstacle to the passage of the bill. Title II is devoted almost entirely to changing the rules of the Senate. I think it is a most important provision of the bill. It involves the exercise of the rule-making power of the Senate. If we can accomplish a reform of the Senate by changing its rules, very well.

Mr. BYRD. I do not object to changing the rules of the Senate for appropriate reasons. I am looking at the matter as a businessman would look at it. I am looking at it from the standpoint of being the president of a company. The president should have the power to reorganize under certain restrictions. I do not pretend to compare the President of the United States with the president of a company, except to say that the President of the United States is the executive head of the Nation. He is made so by the Constitution of the United States. He already has great power in respect to the establishment of bureaus and commissions. President Roosevelt had great power when we first entered the emergency. He had great power during the war. After all, the President is the executive head of the Nation just as the Governor of a State is the executive head of the State. If there is to be any worthwhile reorganization at all, it must come from either the President in the case of

the National Government, or from the Governor in the case of a State government.

Mr. SMITH. Mr. President, does the Senator take the position that the proposed delegation of power would be a delegation of legislative power or executive power? Are we delegating legislative power? It seems to me that is the whole question.

Mr. BYRD. It seems to me that we are.

Mr. SMITH. That is what troubles me with the Senator's argument.

Mr. BYRD. Many times we have delegated legislative power. I would say that more than half of the bureaus shown on the chart on the wall were established by Executive order. They were not established by Congress. It has been done time and time again, and will be done time and time again in the future. I want it done in such a way that it will be of some benefit to the country by reducing bureaus and agencies, instead of giving the President power, as all Presidents have been given power in the past, to create new agencies and bureaus.

Mr. SMITH. I am in accord with the distinguished Senator's position of giving the President the initiative in presenting an all-over plan. I think that is sound; but what troubles me is that the Senator objects to the Donnell amendment, which simply gives the Congress the affirmative right to legislate. If we do not adopt that amendment, I cannot see why the distinguished Senator should object to the bill reported by the committee, of which I am a member, which simply says that one House and the President shall not be able to act legislatively unless the other House is also in accord. That is the only thing I am troubled about by the Senator's amendment.

Mr. BYRD. I think that the procedure prescribed by the bill itself is even worse than the Donnell amendment, because if one House can reject a plan submitted by the President and if there should be a Democratic President and a Republican House, then everything that the President proposes could be rejected. I prefer the Donnell amendment rather than the provision which gives one House the right to reject a reorganization plan submitted by the President.

Mr. SMITH. I prefer the Donnell amendment. I think it provides the proper way to legislate by positive action. I do not understand the distinguished Senator's amendment which simply provides what the original bill contemplated, namely concurrent action of both Houses in order to veto a reorganization plan. That is, one House alone could not block the proposal, and the President's plan could go into effect if he had the support of only one House. One House alone could prevent a veto of the plan. That is what troubles me. I think that such a procedure would be complicated and difficult.

Mr. BYRD. I can understand the fear of the Senator, but I have been a Member of the Senate for 12 years, and, while I do not claim that I have done more than any other Senator with respect to reorganization, I have given a great deal of thought to the subject, and I am thor-

oughly convinced that from the standpoint of practical operation—and after all it is a realistic question—there is no way to effect reorganization except through action by the President.

Mr. SMITH. If the Senator will yield, I desire to pay tribute to him for what he has done. I have followed his activities very closely, and I am entirely in accord with what he has done in the direction of economy. I am thinking now of a constitutional way to bring about the desired result.

Mr. BYRD. Let me call attention to another thing. The Government bureaus have enormous power. They have the power of political life and death over Members of the House and Senate. They can deny a Member of Congress things in his district and defeat him and do the same thing in the case of a Senator. They cannot do that with the President of the United States. They are appointed by him, and they cannot threaten him. But they can join together and say "We will defeat a certain proposal before Congress," and, in my humble judgment, there is no power on the part of the Congress that can prevent them from doing it.

Mr. SMITH. I merely want to be sure of what is in the mind of the Senator. Does he take the position that if the President and the House of Representatives agreed to a bill, which means that the House would not veto it, it would become a law even though every Member of the Senate opposed the particular program presented by the President?

Mr. BYRD. I think action ought to be by concurrent resolution and that rejection should be by both Houses of Congress. It is a realistic question that confronts us. I think there is a great deal in what the Senator says, and I voted on that same reasoning 6 or 7 years ago. But what was done at that time? Nothing. I want to see something done. This may not be quite the way to do it but I think it is constitutional. While there are objections to it, we are faced with the dilemma, and we must do something. I make this prediction, that if this reorganization bill is not passed nothing in the way of reorganization is going to be done by Congress. If the Senator will recall that prediction in a year or 2 from now, I think he will find that I am right.

Mr. SMITH. Mr. President, if the Senator will yield, I, too, want to see this reorganization bill pass. The only thing I am debating with the Senator is whether his amendment should be adopted which would permit a reorganization plan to go through even though one House disapproved. I think both Houses ought to have an opportunity to express themselves on any reorganization plan which might be submitted. I think that lies at the very fundamentals of our Government.

Mr. BYRD. We must expect mistakes to be made, but the power that rests in a concurrent resolution by both Houses of Congress to reject may protect Congress from some very vital and bad mistakes. That is the way I see it, looking at it realistically.

Mr. SMITH. I thoroughly agree that the Congress should be able to protect itself.

Mr. BYRD. If the President should transmit to Congress a reorganization bill, under the Donnell amendment, the bureaus could organize against it. I know something about Government organizations; something of the power of those who hold public office. In my State of Virginia there is a larger percentage of Federal employees in proportion to population than in any other State in the Union, and I know I am taking my political life in my hands when I urge as strongly as I do urge that the personnel of Government bureaucracies should be reduced from three and a half million to less than a million. I think that number is too great, but it would be much better if it were a million instead of three and a half million.

Mr. SMITH. I agree with the distinguished Senator and I also take my political life in my own hands when I assume a similar position.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. TAFT. The Senator recalls that in the act of 1939 the Federal Security Administration was consolidated with the Federal Works Agency and the Federal Loan Agency. If we had cut out the restriction which the committee amendment contained, does not the Senator think those three reorganizations would have gone through?

Mr. BYRD. Let me say to the Senator they represent a very small part of the 1,141 bureaus. When fully 600 or 700 or 800 of them ought to be abolished, then we get into real trouble. It may be that they will agree, but I do not know.

Mr. TAFT. As I view it, there was only one of the various proposed reorganizations which would have been defeated under the committee plan or that would not also have been defeated under the other plan, to put it the other way, and that involved the independence of the Civil Aeronautics Board. That certainly was a question of policy. I think most people feel that it was a mistake to destroy its independence in that reorganization plan. One House defeated it and the other did not, so it went through; but all the other plans—and they were very extensive—would have gone through regardless of whether we had the committee bill or the other bill.

Mr. BYRD. The answer to the Senator is found in what he said some time ago. I do not believe that those plans were accepted. I think practically nothing was done under any other reorganization proposal; but when the Senator cites what Congress did, I do not think that is parallel to this situation. When this bill is passed, I contemplate that there is going to be a real reorganization of the Government, and if I did not think so I would not be for the bill.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. CORDON. I am interested in the difference, the very slight difference, between the two amendments—the amendment of the Senator from Missouri [Mr. DONNELL], on the one hand, and the substitute now offered by the Senator from Virginia, on the other. As I view it, the Senator from Virginia is certain that his amendment, if adopted, provides ade-

quate machinery under the rules for this specific purpose to guarantee that the Congress can within the limitation prescribed of 60 days obtain the desired action.

Mr. BYRD. I may say to the Senator that that is in the bill.

Mr. CORDON. And the Senator is satisfied it is adequate for the purpose?

Mr. BYRD. I think it is perfectly adequate.

Mr. CORDON. If that be true, in the case of the Senator's substitute, as I view it, if there be a majority of the Senate and a majority of the House who are opposed to the reorganization plan as it is submitted, although it is a majority of just one, then there is a guarantee that they can get action within the 60 days, and therefore they override the presidential reorganization plan.

Mr. BYRD. That is correct.

Mr. CORDON. Then, under the Donnell amendment, if we have a majority in favor of the plan, though it be a majority of but one in each house, they can confirm and ratify the plan. The Donnell amendment requires affirmative action by joint resolution, which has the force of law. The Senator's substitute merely requires nonaction. I was going to say it required silence on the part of both Houses, but I suspect that neither House is silent very long. But the substitute simply provides that nonaction would result in ratification. So that in truth the difference between the two plans comes down to this, that under the Senator's substitute, if a resolution be offered to reject and there is a tie in either House, then it loses, and the value to those who are desirous of following the plan which the Senator proposes is what little value rests in the possibility that there will be a tie in one House or the other. Is not that a fact?

Mr. BYRD. I cannot follow the Senator's reasoning entirely. He becoming pretty technical when he predicts there is going to be a tie. My position is that the President should have the power to reorganize. If he makes a vital mistake, a bad mistake, a mistake which will do injury to the country, under the amendment I propose, Congress can reject the plan. That is my position.

Mr. CORDON. Of course, Congress would reject any plan if there were a mistake, if it so desired, and a majority of each House agreed.

Mr. BYRD. On any reorganization plan which may be advanced, many splendid and able men will differ.

Mr. CORDON. Of course.

Mr. BYRD. Because they happen to have transactions with one particular agency, or because it happens to be important to their State, or for some other reason, they may think that one agency is far more important than any other agency.

Mr. CORDON. If I may present one other observation on my point of view—and I hope the Senator will understand that I am discussing the two amendments—the amendment of the Senator from Missouri and the substitute offered by the Senator from Virginia, and not the plan offered in the bill, under which action by one House may be determinative of the question—under the plan proposed by the Senator from Missouri a

majority of one in each House can ratify a reorganization plan, or, failing to get a majority in either House, ratification fails and the plan is rejected. Under the Senator's substitute a majority of one in each House can, by resolution, defeat the plan.

Mr. BYRD. It can defeat any other legislative proposal.

Mr. CORDON. So that in the last analysis the difference between the two rests in what little value comes, under the Senator's substitute, by virtue of the chance that there might possibly be a tie in one House or the other in a vote on the question.

Mr. BYRD. Let me answer that suggestion. There is now ample law empowering the President to recommend. He has the right at any time to send a message to the Congress and recommend anything he pleases, and he is required by the Constitution to make recommendations at specific times. All the Donnell amendment does is to have him recommend. He can do that now. We do not have to pass a law asking him to do it.

Mr. MURDOCK. Mr. President, will the Senator from Virginia yield?

Mr. BYRD. I yield.

Mr. MURDOCK. If we follow the course the Donnell amendment proposes, then certainly there is little use in wasting the time of the Senate discussing reorganization at all. As the able Senator from Virginia has pointed out, the President now has exactly the same right as he would have under the Donnell amendment. I think the Senator from Oregon is also losing sight of the fact that under the Donnell amendment there is absolutely no limitation as to time. A plan can be submitted to Congress, no action is taken, and the thing can drift along for 2 or 3 years and nothing more may happen.

Mr. CORDON. As I understand, the Donnell amendment carries the same provision, requiring the committee to report a resolution of ratification, that the bill would require.

Mr. MURDOCK. Suppose no resolution were offered, the proposal would lie here interminably, without any action at all, and reorganization would not take place.

Mr. CORDON. It occurs to me that there is little force in an argument that no resolution would be offered, particularly as long as my distinguished friend, the Senator from Virginia, is a Member of the United States Senate. There will be a resolution offered, and once it is offered, the machinery and the mechanics of the Donnell amendment substantially would fit in, exactly the same as those of the amendment of the Senator from Virginia. The net result is that the only value that comes under the substitute plan lies in the possibility of a tie, and for that little we lose the certainty we have under the Donnell amendment, that we have cured any question of unconstitutionality in the matter of delegation of legislative power.

Mr. BYRD. No question has ever been raised about the last reorganization plan.

Mr. TAFT. Mr. President, will the Senator from Virginia yield?

Mr. BYRD. I yield.

Mr. TAFT. I did not quite understand the statement that the two amendments were the same, because as I read them, if the Byrd amendment shall be adopted, and a resolution is submitted, while 90 out of 96 Senators absolutely may be opposed to the plan of reorganization, yet if a majority of one in the House of Representatives is for it, it will go into effect. That is the effect of the Byrd amendment.

Mr. BYRD. That is correct.

Mr. TAFT. Whereas under the Donnell amendment there must be a majority of one in both Houses. So also in the case of the committee amendment, there must be a majority of one in both Houses. But under the Byrd amendment, we can all be opposed to it, but we have absolutely deprived ourselves of any power to raise any objection. Is not that a correct statement of the proposal?

Mr. BYRD. The correct statement is that the Byrd amendment provides for rejection by concurrent resolution. That is exactly what it is. No one has ever suggested that it is anything else. When I submitted the amendment I explained that if it were adopted there could be no rejection of a Presidential plan unless within 60 days a concurrent resolution were adopted by both Houses to reject it.

Mr. TAFT. The difference is not a difference of constitutionality.

Mr. BYRD. I never made such a statement as that.

Mr. TAFT. The point I am trying to make to the Senator from Oregon is that the difference is a difference of fundamental substance, as to whether the Senate can reject a plan.

Mr. BYRD. So far as my position is concerned, there is no difference at all.

Mr. VANDENBERG. Mr. President, will the Senator from Virginia yield?

Mr. BYRD. I yield.

Mr. VANDENBERG. I should like to ask the Senator a general question, inasmuch as he is my favorite authority on economy in the Senate. Does the Senator think that a tremendous job of demobilization of civilian personnel could occur without any reorganization?

Mr. BYRD. I do.

Mr. VANDENBERG. Is there any sign of such a demobilization at the present time?

Mr. BYRD. Not up to this time, I regret to say to the Senator. In the month of September the Federal personnel were reduced by only 158,769, out of 3,600,000.

Mr. VANDENBERG. Since there seems to be no disposition to demobilize under existing circumstances, why then is the Senator so sure that the present President and the present administration are suddenly going to spring into activity just as soon as this bill is passed?

Mr. BYRD. I have never said I was so sure. I said I believed and hoped President Truman would do a real job of reorganizing. I am not sure of anything. I have been a Member of the Senate 12 years, and I have discovered it is very bad policy to be sure of anything. I am not sure of what the Senate may do under certain conditions. I am not sure what the House of Representatives may do under certain con-

ditions. But in my considered judgment—for I have changed my position in this matter; I agreed with those on the other side the last time—I believe this may expedite reorganization, and do more than gloss over it, and if that comes to pass it certainly will be the accomplishment of something we have been working for.

The Senator has referred to the number of employees. Let me give the facts.

The Agricultural Department has 91,136 employees. The number was reduced by 4,393 in September. The Commerce Department has 35,089, and instead of decreasing during the month of September, the number was increased by 318. The Interior Department has 44,524 employees, and the number was decreased in September by 531. The Justice Department has 26,243 employees, and there was a decrease of 596 in September. The Labor Department has now 36,629 employees; an increase of 30,283 in September is because the War Manpower Commission was transferred to the Labor Department. The Navy Department, not counting WAVES and the SPARS and all the thousands of others in uniform doing clerical work, has in this country 649,425 civilian employees.

The Post Office Department had 441,257 employees in September, an increase of 53,995.

Mr. VANDENBERG. Who is the Postmaster General? Does the Senator recall?

Mr. BYRD. The State Department in September had 15,354 employees, an increase of 4,164, which includes some of the personnel of the Office of War Information and the Office of Inter-American Affairs which were transferred to the State Department.

The Treasury Department has 93,636 employees.

The War Department has civilian personnel in this country totaling 975,317.

In that connection the War Department has 733,000 civilian employees outside continental United States. It has 733,000 not in uniform, scattered from one end of the world to the other. That is in addition to the 975,317 it has in this country.

The Committee on Fair Employment Practice has 60 employees.

The Foreign Economic Administration has 6,931.

Next on the list is the Office of Censorship. It has been abolished. That is about the only agency I know of which seems to have been completely abolished. Some of the other agencies have been transferred. Its abolishment resulted in a saving of 4,700 employees.

The Office of Defense Transportation has 1,409. That has been transferred.

The Office of Price Administration in September had 45,492 employees.

The Office of Strategic Services, 2,008. Selective Service System, 17,662.

The War Manpower Commission has been transferred to the Labor Department.

The War Production Board, 8,625.

The War Shipping Administration, 5,361.

I shall not read the figures for some of the smaller agencies.

The Federal Security Administration, 30,701, an increase of 333 during September.

Federal Works Agency, 20,628.

General Accounting Office, 13,783.

Government Printing Office, 6,904.

Maritime Commission, 9,608.

Reconstruction Finance Corporation, 14,124, an increase of 562 during September.

Veterans' Administration, 74,093, an increase of 1,083 in September.

Making a total civilian personnel in this country of 2,757,208, and 733,792 outside continental United States doing civilian work, in addition to all the armed forces; making a grand total of 3,491,000 as of the 1st day of October.

Mr. President, I agree with the Senator from Michigan that that demobilization has been nothing like as fast as it should be. We have complained about the War Department demobilizing the soldiers slowly, but demobilization has been much slower in the civilian services of the Government.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. VANDENBERG. I assure the Senator that I did not and I do not intend to be facetious about the matter. It merely occurs to me that there is existent a tremendous opportunity to economize in civilian Federal personnel, and there seems to be not the remotest sign of any disposition whatsoever to proceed in that direction. I am wondering why the Senator thinks that the mere passage of a reorganization bill is going to change that disposition? I think the Senator will agree with me that there never will be any economy in the matter of Federal personnel until there is the disposition at the top to proceed in that direction.

Mr. BYRD. In reply, I will say that I think the passage of the reorganization bill will certainly stimulate such reduction. Title I provides:

(2) reduce expenditure to the fullest extent consistent with the efficient operation of the Government;

(3) increase the efficiency of the operations of the Government to the fullest extent practicable;

(4) group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;

(5) reduce the number of agencies by consolidating those having similar functions under a single head, and be abolishing such agencies as may not be necessary for the efficient conduct of the Government;

(6) eliminate overlapping and duplication of effort—

And so forth and so on. Mr. President, important as it is to reduce the personnel for the purpose of economy, I think it is equally important in some way to prevent the duplication here in Washington of the different bureaus, and to lift the terrific burden thus placed upon the business of the country which must deal with the Government.

Mr. VANDENBERG. I totally agree with the Senator.

Mr. BYRD. That can only be done by passage of the reorganization bill. The bill puts it up to the President of the United States, who then has a man-

date and direction from the Congress to do the things I just mentioned, to simplify the Government, to eliminate overlapping, and reduce personnel.

Mr. McCLELLAN. Mr. President, will the Senator from Virginia yield?

Mr. BYRD. I yield.

Mr. McCLELLAN. Does not the Congress have the power to reduce the personnel in governmental agencies by reducing the appropriations? Will not a reduction in appropriations end such a situation and bring about a reduction in personnel?

Mr. BYRD. I will say to the Senator that we have the power, but it is one of the most difficult things in the world to do. I will make a statement about it at this moment. The appropriation bills come before the Congress at different times. They are dealt with by subcommittees of the Committee on Appropriations, each of which has a specific appropriation with which to deal. We should not attack, for instance, the Department of Agriculture and say that it must reduce its personnel by 10,000 or 20,000 unless simultaneously we consider reducing the appropriations for the personnel in the other departments. As the Senator well knows, appropriations do not come before the Congress in one measure. Numerous bills are prepared, after hearings by subcommittees of the Committee on Appropriations, and reported by the committee. I do not criticize the Committee on Appropriations. It is doing its work the best way it can, but each subcommittee deals with particular items. One subcommittee of the Committee on Appropriations deals with the appropriation bill for the Department of Labor, and that is reported by that committee. Another subcommittee deals with the appropriation bill for the State Department, and so on. Never at any time can the Senate or the House obtain a full picture of appropriations, and as to how they will affect the conduct of departments not covered by the bill under consideration. I will say to the Senator from Arkansas that I will join with him in any effort he may make, but it is very difficult to reorganize the Government and reduce the personnel by means of a reduction in the appropriations for salaries.

Mr. McCLELLAN. Mr. President, I did not make the observation as a criticism directly of what we are undertaking to do by way of reorganization, but I do say that Congress should investigate the extreme cases, particularly the one which has been referred to by the able Senator from Virginia, namely, that of the War Department, which has more than 700,000 civilian employees beyond the continental limits of the United States at this time. I see no reason why the Appropriations Committees and the Congress cannot look into and inquire into the need and necessity for such large-scale employment. On that basis the appropriations can be reduced. I well appreciate—we all know it, for it is a matter of common knowledge—that almost every agency of the Government always undertakes to increase personnel and build up its power and influence. That is the way bureaucracy is growing in this country. In its final analysis,

Mr. President, the responsibility rests upon Congress, which actually does have the authority and the responsibility for controlling the purse strings of the Nation.

While I am making these remarks I want to congratulate and commend the able Senator from Virginia for the contribution he is making in his labors in the Senate toward bringing about economy and more efficient administration in government by undertaking to have Government departments and agencies reorganized.

Let me make a further observation: With the burden of debt now resting upon this Nation as a result of the great cost involved in the world conflict in which we have been engaged, if we are ever again to have a stabilized economy, the time must come when we shall bring into balance income into the Treasury and outgo from the Treasury. We shall never be able to bring them into balance and reduce taxes to the point where they should be, or bring about a balanced Budget and operate on a cash basis until the Congress is willing to assume the responsibility of meeting its full duty in connection with appropriation bills and reduce expenditures which are needless and wasteful.

Mr. BYRD. I entirely agree with the Senator. I wish to make one reference to the War Department employees. As I understand, they were paid from lump-sum appropriations made for the prosecution of the war. Such appropriations were not earmarked, so it would be very difficult for Congress to do anything about them until after the emergency is over.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. TUNNELL. As I understand, the Senator does not believe that the suggestion as to Congress doing the job is practical. I understood the Senator to say that there were 1,141 organizations created by Executive order.

Mr. BYRD. No; I did not say that. I said there were 1,141 in all, and that a great many were created by Executive order. For example, there were 364 in the war agencies. I should say that possibly a majority of them were created by Executive order.

Mr. TUNNELL. Then, I assume that they could probably be disposed of by Executive order.

Mr. BYRD. My understanding is that the power of the President under the Reorganization Act has now expired. I ask the Senator from Utah if that is not true.

Mr. MURDOCK. That is true. It expired several years ago.

Mr. TUNNELL. Is it the Senator's position that the President could not now dispose of those agencies?

Mr. BYRD. I think he could probably dispose of the agencies which were created by Executive order.

Mr. TUNNELL. That is what I am getting at. Would not the pending bill, in effect, give the President the right to dispose of the remainder of them?

Mr. MURDOCK. I am sure the Senator is correct. If and when this legislation is passed, the President will be given the power to reorganize generally, to

transfer agencies from one department to another, and to make such corrections as would be conducive to less expense and greater efficiency. However, there are some limitations with reference to departments. The President could not abolish a department, nor could he remove all the functions of one department to another department. But as to agencies and other establishments of the Government, except as we propose specifically to exempt certain agencies, he would have great latitude in reorganization, transferring, and coordinating.

Mr. TUNNELL. The Senator from Virginia was not referring to the War Department or the Navy Department as being among the 1,141 agencies?

Mr. BYRD. No. I am talking about the bureaus.

Mr. TUNNELL. There is no reason why this bill should be considered as in any way opposed to the views of anyone who really desires a reorganization of Government agencies and a reduction of expenditures. As I understand the Senator from Virginia, what he is asking for has a greater chance of success.

Mr. BYRD. I am advocating it for that reason. I think that is the only way to obtain an effective reorganization of the Government.

Mr. TUNNELL. The Senator believes that this plan would be feasible, and that other plans would not be feasible. He believes that under his plan there would be not only a possibility, but a probability of reduction.

Mr. BYRD. I think so.

Mr. TUNNELL. I thank the Senator.

Mr. MURDOCK. Mr. President, will the Senator yield to me for an observation?

Mr. BYRD. I yield.

Mr. MURDOCK. I was very much interested in the statement made by the Senator from Arkansas [Mr. McCLELLAN], and the statement of the Senator from Delaware. I join the Senator from Arkansas in his commendation of the distinguished Senator from Virginia. In my judgment the Senator from Virginia has given more time and attention to the subject of economy and efficiency in the executive department than has almost any other Senator. He now tells us that as a result of the long study which he has devoted to the question he has completely changed his mind as to the practicability of Congress accomplishing a reorganization. I hope that Senators on this side of the aisle, especially, will not only commend the Senator from Virginia for the great work which he has done, but will follow up their commendation by voting for his amendment as a substitute for the Donnell amendment.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. TUNNELL. I thought that in my questions there was the implication that I favored the very cause which the Senator from Virginia was advocating. I wish to add my words to those of the Senator from Utah.

Mr. MURDOCK. The statement which the Senator made was in the nature of a reassurance. As the Senator in charge of the bill, I am very happy to have the

Senator make that statement. The same observation applies to the statement of the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. McCLELLAN. I am sure the Senator did not get any impression from what I said that I do not favor the reorganization bill.

Mr. MURDOCK. Oh, no.

Mr. McCLELLAN. I do favor the pending measure, but I wish to consider any amendments which may be offered. My purpose is to get a reorganization bill which, when administered, will effect reorganization and bring about efficiency and economy in Government.

Mr. MURDOCK. I am sure that is the Senator's purpose.

Mr. McCLELLAN. I am in favor of the objectives of the bill.

Mr. MURDOCK. Mr. President, it is my hope that Senators on this side of the aisle will follow the leadership of the distinguished Senator from Virginia and support his amendment.

Mr. BYRD. Mr. President, I greatly appreciate what the Senator from Utah has said. I do not think I deserve it, although I have done what I could along this line.

Let me make one further observation, and then I shall take my seat. As I have previously said, the reorganization of the executive branch of the Government is a function of the Executive. The Executive prepares the budget each year. He has a vast control over the various departments of the Government. His budget advisers and those from whom he receives information with respect to the budget furnish him with a great deal of inside information which it would be most difficult for Members of Congress to obtain.

There are in the Senate quite a number of former governors. The distinguished Presiding Officer [Mr. HOEY] was one of the ablest governors. I wish to appeal to Senators who have been governors, and see whether or not they will agree with me in the statement that there has been no real reorganization in States which have not had the powerful leadership of the governors. That is certainly true with respect to the States of which I have knowledge, and I have studied the government organization of practically every State in the Union. So far as I know there has not been a single worthwhile reorganization of a State government in which the chief executive of the State did not take a leading part after receiving certain powers and authority from the legislature.

When I speak of reorganization I wish to make it perfectly clear that I do not mean transferring bureaus here and there. I do not mean changing the names of bureaus. I mean an honest-to-goodness reorganization, a reorganization which eliminates overlapping activities and unnecessary personnel, and not merely a reorganization which involves transferring one bureau to another and then saying that there has been a reorganization.

This problem must be considered as a whole. It cannot be considered piecemeal. There is no way by which Con-

gress can accomplish a reorganization without considering it piecemeal, unless we establish a special committee, change the rules of the Senate, and have all the reorganization bills referred to one committee. Under the present rules of the Senate, a bill relating to the Department of Labor must be referred to the Committee on Education and Labor. A bill relating to the State Department must be referred to the Committee on Foreign Relations, and so forth. Each committee operates independently, and without the over-all picture, which is absolutely essential in order to effect a comprehensive, worthwhile reorganization of the Federal Government.

The PRESIDING OFFICER. The Chair desires to announce that the amendment offered by the Senator from Virginia will have to be divided. His amendment in the form of a substitute deals with two propositions: First, the amendment offered by the Senator from Missouri; second, certain portions of the bill as reported by the committee not embraced within the Donnell amendment.

So, when the vote is taken, the Senate must vote first on the portion of the Byrd amendment offered as a substitute for the Donnell amendment. A separate vote must be taken on the portion of the Byrd amendment dealing with portions of the committee amendment not embraced within the Donnell amendment.

Mr. BYRD. Yes; I understand that.

Mr. MURDOCK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Hatch	O'Mahoney
Austin	Hayden	Overton
Barkley	Hickenlooper	Radcliffe
Bilbo	Hill	Reed
Brewster	Hoey	Robertson
Bridges	Huffman	Russell
Buck	Johnson, Colo.	Smith
Bushfield	Johnston, S. C.	Stewart
Butler	Kilgore	Taft
Byrd	Knowland	Taylor
Capper	Langer	Thomas, Okla.
Carville	Lucas	Tunnell
Chavez	McClellan	Tydings
Connally	McKellar	Vandenberg
Cordon	McMahon	Wagner
Donnell	Magnuson	Walsh
Downey	Maybank	Wheeler
Eastland	Mead	Wherry
Ellender	Millikin	Wiley
Ferguson	Moore	Willis
George	Morse	Wilson
Guffey	Murdoch	Young
Gurney	Myers	
Hart	O'Daniel	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from Arizona [Mr. McFARLAND] is absent because of illness in his family.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Missouri [Mr. BRIGGS], the Senator from Arkansas [Mr. FULBRIGHT], and the Senators from Rhode Island [Mr. GERRY and Mr. GREEN] are necessarily absent.

The Senator from Nevada [Mr. McCARRAN], the Senator from Washington [Mr. MITCHELL], and the Senator from Florida [Mr. PEPPER] are absent on official business.

The Senator from Utah [Mr. THOMAS] has been appointed a delegate to the International Labor Conference in Paris, and is therefore necessarily absent.

The Senator from Montana [Mr. MURRAY] is attending the conference in London to consider the creation of an educational and cultural organization of the United Nations.

Mr. WHERRY. The Senator from Vermont [Mr. AIKEN] has been excused until November 20 for reasons heretofore stated.

The Senator from Indiana [Mr. CAPEHART] is unavoidably absent because of injuries resulting from an accident.

The Senator from Minnesota [Mr. BALL], the Senator from Illinois [Mr. BROOKS], the Senator from New Jersey [Mr. HAWKES], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from West Virginia [Mr. REVERCOMB], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The Senator from Idaho [Mr. THOMAS] is absent because of illness.

The Senator from Wisconsin [Mr. LA FOLLETTE] is necessarily absent by leave of the Senate.

The PRESIDING OFFICER. Seventy Senators have answered to their names. A quorum is present.

REORGANIZATION OF GOVERNMENT AGENCIES

The Senate resumed the consideration of the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

Mr. HATCH. Mr. President, I was a member of the subcommittee and attended several hearings of the subcommittee while the pending bill was under consideration. Due to circumstances which I could not control, I was not present at the later meetings of the subcommittee, nor at the meeting of the full committee when several of the present committee amendments were adopted and the committee's report was prepared for submission to the Senate. I regret that fact, Mr. President, because I find myself in disagreement with some parts of the bill as it has been reported to the Senate.

I desire to associate myself with the Senator from Virginia [Mr. BYRD] in everything which he has said. I give him my assurance that if there is any inconsistency in the position which he takes today and the position which he took 6 or 7 years ago, it reflects only credit upon him. If we cannot learn by experience and by things which we have actually seen, as he has seen them, our condition is hopeless.

Mr. President, the Senator from Missouri [Mr. DONNELL] has offered an amendment. Upon the amendment he made a vigorous constitutional argument. It seemed to me, however, that in the course of his remarks concerning the constitutional question which he was raising he adopted a rather defensive attitude. No Senator needs to defend himself for raising a constitutional question in this body. Certainly we are all interested and should be interested in the constitutionality of any proposed legislation.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. DONNELL. I desire to make it perfectly clear that there was no intention whatever on my part to place myself on the defensive in asserting a constitutional question. I appreciate the Senator's comment, but I regret that he has reached the conclusion that I was proceeding defensively. To my mind, we are confronted with one of the most important questions that have come before the Senate during the current year. I am proud to stand here affirmatively, and not defensively, and assert that this bill violates the Constitution of the United States.

I thank the Senator.

Mr. HATCH. Regardless of whether the position of the Senator is affirmative or negative, I received the impression that he rather apologized for raising a constitutional question, for which I thought no apology was necessary.

However, Mr. President, if the argument of the Senator from Missouri is carefully considered, I think it will be found that the constitutional question he raises is not such a grave question after all. I think if the argument the Senator from Utah made a few days ago is considered, it will be found that so far as the constitutional provision is concerned, there is not a great deal of difference as to the Constitution or as to how it has been interpreted by the courts.

There is much difference, however, as to how that interpretation should be applied to the pending bill. As a matter of fact, the Senator from Missouri made it very clear that he believed the bill to be entirely constitutional provided the standards it set up were sufficient. I think that is correct, is it not? There being no response, evidently it is. So, after all, then, the argument comes down to whether the standards set up in the bill are or are not sufficient. That is a matter upon which many minds might differ and many courts might differ, and probably will differ. To me there is not much question about the standards in the bill. The question of delegation of legislative power is not involved at all. The question is as to the sufficiency of the standards.

Mr. President, Congress has the power to pass a bill requiring reorganization by the executive branch of the Government under sufficient standards and limitations, and without provision for the return of the plan to the Congress at all. No constitutional question is involved as to that right.

Senators who are debating and worrying about the constitutionality of the pending measure might, in my humble judgment, far better concern themselves with the realistic, practical problems which have confronted this Nation since 1802.

Mr. MAYBANK. Mr. President, will the Senator from New Mexico yield?

Mr. HATCH. I yield.

Mr. MAYBANK. The Senator from New Mexico refers to the realistic, practical problems which have confronted this Nation. He agrees thoroughly with what the distinguished Senator from

Virginia said, that the only way to reorganize, the only way in which the practical problems of reorganization can be settled, provided the provisions are constitutional, as the Senator believes them to be, is by the executive branch of the Government doing it, and not through action of the legislative branch. Am I correct in my understanding?

Mr. HATCH. I was about to say that in my opinion that is the only way, in effect, in which reorganization can be brought about.

Mr. MAYBANK. I am glad to have the Senator's view in that regard, because I am thoroughly in accord with what the Senator from Virginia stated in connection with the changing of the government of Virginia. Having been a governor myself, well do I know the almost impossible situation which results when it is left to the legislature of a State to reorganize the State government, or to the council of a city to reorganize the city government. I am very appreciative of the fact that the Senator from New Mexico so thoroughly agrees.

Mr. HATCH. Let us look at the amendment proposed by the Senator from Missouri for a moment—I presume I have a correct copy of the amendment—and see just what kind of legislation would be enacted, what we would have if his amendment should be agreed to. The amendment provides:

No reorganization plan shall take effect until there shall have been enacted a joint resolution approving such plan. Each reorganization specified in a plan which shall have been approved by the enactment of such a joint resolution shall take effect on the date of enactment of such joint resolution or on the date specified pursuant to subsection (b) with respect to such reorganization, whichever may be the later date.

Mr. President, I state and I reiterate that if this amendment shall be agreed to it will nullify every provision of the bill which we are asked to pass. If the amendment shall be agreed to the bill will confer no authority on the President of the United States which he does not now possess. If the amendment shall be agreed to it will grant no authority to Congress which the Congress does not now possess. Adopting the amendment would absolutely nullify the entire legislation. It is a futile, idle gesture to pass a bill authorizing the President to reorganize the Government and then say that the Congress must by joint resolution approve the plan, for the President can now adopt a plan for reorganization of the executive branch of the Government, he can submit it to the Congress, and Congress by appropriate bill or by joint resolution can adopt it. I yield now to any Senator who cares to dispute that point with me.

Mr. President, a joint resolution is a legislative act. It requires a majority vote in both Houses, and requires the signature of the President of the United States. We might just as well say, "Mr. President, reorganize the executive branch of the Government, and then we will pass a bill approving or disapproving the plan." We will have accomplished absolutely nothing by all the committee hearings, by all the debate in

the Senate, and by the arguments in the House, if the Senator's amendment shall be agreed to.

Mr. MAYBANK. Mr. President, does the Senator construe the amendment of the Senator from Missouri as absolutely leaving authority to either House?

Mr. HATCH. Yes.

Mr. MAYBANK. The Senator was here long before I became a Member of the Senate—

Mr. DONNELL. Mr. President, will the Senator from South Carolina speak a little louder so that we on this side may hear?

Mr. MAYBANK. Certainly. I was about to ask the Senator from New Mexico whether he remembered what happened in the Congress of the United States when President Hoover was the President and there was a Democratic Congress, at which time Mr. Garner, later a distinguished Speaker of the House and still later Vice President, was the leader of the majority in the House—whether he remembered that in those days of 1931, 1932, and early in 1933 there could be no agreement between the legislative and executive branches of the Government because of the differences between the parties. I am wondering what effect such an amendment would have if there were an overwhelming Republican House and a Democratic Senate, taking into consideration the fact that under our Constitution in this body we serve for 6 years and in the House of Representatives the Members are elected every 2 years. I think the division of political parties in those days had a great deal to do with furthering the depression and retarding recovery in this country. I ask the Senator whether that could not happen again if the amendment of the Senator from Missouri were agreed to in connection with the reorganization of the Government.

Mr. HATCH. The Senator from South Carolina of course speaks with authority. It could happen.

Mr. MAYBANK. I remember so well what happened in my State because of the division of political opinion in the Congress of the United States. The people in my section of the country were forced to suffer because in one House there was a Democratic majority and in the other a Republican majority. If such a situation should occur again, I fear, if this amendment were adopted, the result would be equally unfortunate so far as reorganization is concerned.

Mr. HATCH. Mr. President, I wish again to stress—and I can not get away from the thought—the absolute futility of our action if we should adopt the amendment of the Senator from Missouri. There has been argument on the floor of the Senate about ability to reorganize the manifold and many bureaus and agencies of Government, and we are asked actually to pass a foolish, futile bill, which would not even amount to legislation.

I am sure the Senator from Missouri did not realize the import of what he was doing when he offered the amendment. He says he wants to have the Government reorganized. Every Senator on this floor rises and proclaims,

"Oh, I want reorganization, we must have reorganization", and then is asked to vote for what would kill reorganization.

Mr. President, the thing for the Congress of the United States to do first of all is to determine the question. Do we want to reorganize the Federal Government? Do we seriously, honestly and sincerely want to adopt an effective, workable reorganization plan? That is the first question to determine. Every person answers that in the affirmative.

Mr. MAYBANK. Mr. President, will the Senator further yield?

Mr. HATCH. I yield.

Mr. MAYBANK. The Senator will agree that one of our former distinguished colleagues, now President of the United States, sent a special message to the Congress on the subject. Certainly he knows something about reorganization, certainly he was in this body when the amendments and the bills before the committees of which the Senator from Virginia spoke this morning were pending there. Above all, that is the one thing he wants, and I have confidence in him, and I have confidence in the statements the Senator from Virginia [Mr. BYRD] made here today about conversations and agreements. I do not see how anyone could better reorganize the Government than the present President of the United States, a former member of this body, with his experience.

Mr. HATCH. I thank the Senator from South Carolina. That brings this thought to mind: Who most severely criticize the executive branch of the Government? Who go out on the stump and on the platforms throughout the country condemning the executive branch of the Government and condemning bureaucrats? I have heard Members of this body and Members of the House of Representatives on the hustings declare, "I am going to Washington to drive the bureaucrats out of Washington."

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. MAYBANK. And in many instances those who do so vote for appropriations to keep the bureaucrats in office. Am I wrong in that statement?

Mr. HATCH. The responsibility for the mess, if we call it such, in which the executive branch of the Government is today rests first of all upon the Congress of the United States.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. BARKLEY. With the possible exception of some emergency war agencies, is it not true that every bureau in the departments in Washington has been created by legislation of the Congress of the United States?

Mr. HATCH. And the Congress creates those bureaus without any regard to the over-all picture in the executive branch of the Government.

Mr. BARKLEY. And as soon as Congress creates a bureau and the President appoints someone to head it, Congress then begins to denounce him as a bureaucrat because he heads a bureau.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. TAFT. May I call the Senator's attention to the fact that since the latter part of 1941, for more than 4 years, the President has had over-all and complete power to reorganize the bureaus in any way he chooses, to abolish bureaus, to combine them, to do everything that is provided in the pending bill, and if he has not done it, the responsibility is on the President of the United States and not on Congress.

Mr. HATCH. I call the attention of the Senator from Ohio to the fact that he has been sitting in the Senate of the United States, and the Congress has been in session almost constantly for several years, and there has been nothing to prevent the Senator from Ohio or the Congress from presenting a plan to reorganize the executive branch of the Government. Has it been done?

Mr. TAFT. But the Senator was accusing Congress and relieving the President of all responsibility, when the President has had complete power, the very thing he now insists he must have, and he has had such power for 4 years.

Mr. HATCH. The Senator was not accusing the Congress and the Senator was not relieving the President at all. The Senator from Ohio evidently had not listened to what I said. I said, and I repeat, that the vast over-sprawling bureaucracy which has been set up was created by the Congress, and every time we create a bureau we do so without regard to the over-all picture and we only pile confusion on confusion, until the net result is chaos, such as exists today. That has been our responsibility without regard to Democrats or Republicans, without regard to whether a Democratic or a Republican President was in the White House. It has been going on since this Nation was founded, regardless of which party was in power. I am making no political argument. I am trying to present the idea that if we want the executive branch of the Government to be reorganized we should pass a measure which will enable reorganization to be accomplished.

Mr. TAFT. Mr. President, will the Senator again yield?

Mr. HATCH. I yield.

Mr. TAFT. I think perhaps the Senator heard the Senator from Virginia state not long ago that a very large number of bureaus have been created by Executive order; that they always would be and they always had been; and that as a matter of fact Congress cannot be blamed for creating very many of them. I only quote the Senator from Virginia.

Mr. HATCH. A large number were created. A large number were created by reason of the war. Many of them were created by Executive order under authority granted by the Congress in the first instance. Let me ask the Senator from Ohio a question. Does he think the President has the power to create a bureau, to confer a function, without authority from Congress?

Mr. TAFT. I answer the Senator by saying I do not think he has, but he has done it. He did it in the case of the distribution, for instance, of subsidies for school children. Admittedly he had no executive power to do that. We have had presented on this floor over and over

again instances of the President creating bureaus by Executive order. I questioned his power; others have questioned his power; but nothing has been done. The FEPC was set up without any authority of any kind from Congress.

Mr. MAYBANK. Mr. President, will the Senator from New Mexico yield to me?

Mr. HATCH. I yield.

Mr. MAYBANK. I merely wanted to recall to the Senator from New Mexico the fact that the distinguished junior Senator from Georgia [Mr. RUSSELL] submitted amendments to appropriation bills to eliminate some of the agencies created by Executive orders, and in most instances the amendments were overwhelmingly defeated.

Mr. TAFT. The Senator from Georgia, however, had my support.

Mr. MAYBANK. In those particular instances he did; yes.

Mr. HATCH. Mr. President, what good does this kind of argument do? Absolutely none. We all recognize the problem. Regardless of which side of the Chamber our seats may be, we all recognize the problem. The problem is here; and, as I said in the beginning, every Member of Congress, in the House and in the Senate, condemns the bureaus and demands reorganization. Now we have something before us that does at least bear the possibility, and it may be only a possibility, of bringing about an effective reorganization. And then we are confronted with, and perhaps about to adopt, an amendment which would absolutely kill the bill which we are proposing to pass. I do not think it behooves any of us to talk too much about inefficiency and about red tape and about waste and extravagance. Sometimes I think Congress itself is most inefficient. Certainly it is most wasteful in its time and extravagant in the language sometimes used in debate.

Mr. President, without any hesitation, I say, again, as I said before, that the primary responsibility for reorganizing the executive branch of the Government does rest upon the Congress. Ours is the first responsibility, and it is a responsibility which we ought to discharge. If I believed for one moment that the Congress of the United States could or would reorganize the executive branch of the Government I would say, "Let us do away with this bill altogether and proceed with our task now"; but, Mr. President, that task has been before Congress, as I said, since 1802. It has been before the country. Thomas Jefferson, I think, was about the first person to call attention to reorganization. He said in 1802:

Our predecessors have endeavored, by intricacies of system and shuffling the investigator over from one officer to another, to cover everything from detection. I hope we shall go in the contrary direction, and that by our honest and judicious reorganizations, we may be able, within the limits of our time, to bring things back to that simple and intelligible system on which they should have been organized at first.

Let us deserve well of our country by making her interests the end of all our plans and not our own pomp, patronage, and irresponsibility.

Mr. President, I read now from testimony given before our committee by Hon. Lindsay Warren, an able and efficient Member of the House of Representatives for a number of years, a man who is always jealous of the powers and the responsibilities of the Congress, a man who had charge in the House of the reorganization bill passed in 1939, and who, I think, as a student of government, and its actual workings, is perhaps more familiar with the subject than any of us. He came before our committee wholeheartedly supporting this bill and opposing the reservations and exemptions which would take away power from the President. He called our attention to a committee report in the House of Representatives on the question of reorganization, in which it was stated:

The committee soon found that, without a total abandonment of their other representative duties, it would be impossible during the present session to examine all the departments in a satisfactory manner. * * * The public interest demands a rigid and more general investigation.

I say today that the public interest demands a most rigid and general investigation of the departments.

Continuing, the report says:

Economy does not consist in withholding supplies which the public safety demands, but in limiting the appropriation of public money to proper objects, and in insuring that it is disbursed with fidelity.

That committee in the House found that without totally abandoning all their representative duties they could not effectively undertake the task of reorganizing the executive branch of government. That was a report made by a select committee of the House of Representatives in 1841 to provide a means of reducing the civil list, either by rearrangement of duties or otherwise.

More than 100 years ago a committee of the House of Representatives said that it was totally impossible for Congress to work out a reorganization of the executive branch of government. It was true then, and it has been true ever since. It is true today. If it had not been true, if Congress could have effectively reorganized, would it not have been done? The argument is made that Congress should reorganize the Government agencies. A conclusive answer to that argument is the fact that for more 100 years Congress has not reorganized them, and I venture the assertion that if this amendment, or any other amendment by which Congress is required to reorganize the executive branch of government is adopted, another 100 years will pass by and the job will still remain undone. Members of Congress will continue to go about the country proclaiming to high heaven the evils of the bureaucrats.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. LUCAS. I was interested in the statement which the able Senator from New Mexico made with respect to what the Congress attempted to do back in 1841—more than 100 years ago. I think it is a fair observation to make that certainly at that time Congress was not so

busy as it is today, and certainly the problems with which Congress was dealing in 1841 were as 1 to 100 compared with those with which it must deal today. At the same time the bureaus must have been very small as compared with the great sprawling bureaucracy which exists in the executive department of Government today.

If in 1841, after an exhaustive examination, Congress reached the definite conclusion that it did not have the power, the time, or the facilities to bring about a real reorganization of the executive branch of the Government, it seems to me to be futile and useless for the Congress of today, with all the duties resting on its shoulders and with the many bureaus created in the Government as a result of the war, as well as those created before the war, even to undertake such a task.

The only individual who can do it is the President of the United States. If the President follows the suggestion made by the Senator from New Mexico when he read what the great Jefferson said, and does the job in a careful and economical way, it will be done properly. I have every confidence that the present President of the United States will do it that way. He has asked for this power. There is an opportunity for the Congress to give him the responsibility and see what he can do with it, holding him to strict accountability, as the able Senator from Virginia has suggested.

Mr. HATCH. I am glad that the Senator from Illinois mentioned the fact—it has been mentioned before—that the President has declared his intention to reorganize the executive branch of the Government, the thing for which we have all been contending. In the face of that request, if the Congress fails to enact legislation necessary to give him that power, or if we hamstring, cripple, and tie him by the amendments which we adopt and the exemptions which we make, and as a result the executive branch of the Government is not reorganized, where will rest the blame? Where will rest the responsibility? Certainly it will not rest on the President of the United States. If that happens, Senators who propose amendments limiting and restricting, and Senators who are responsible for exceptions and exemptions should not dare to say that the President failed in his responsibility. Let them be honest and forthright enough to say, "I did not trust the President of the United States. I had no faith in his ability to reorganize the executive branch of Government. I tied his hands. I helped to make the exemptions, and the responsibility rests upon me." Let Senators dare to tell their people that that is what they have done.

Mr. President, I mentioned the question of exemptions. Already there are included in the bill 12 or 15 exemptions. I know of other exemptions which will probably be asked. I have had long-distance telephone calls from New Mexico, and I have received telegrams and letters from more than one department, urging that a little branch bureau here

or there be exempted. I do not wish to be misunderstood. These communications do not come from the departments themselves. However, already pressure is definitely being brought from some source on Members of Congress to exempt certain agencies. We are told, "Oh, yes; reorganize everything else. Do a thorough job, but do not lay your unholy hands on my department."

Mr. LUCAS. Mr. President, will the Senator further yield?

Mr. HATCH. I yield.

Mr. LUCAS. In view of the Senator's last statement, I do not know that I need to ask him the question which I had in mind. If agencies of the executive branch of the Government which are seeking exemptions are lobbying among Members of Congress, it strikes me as being somewhat unusual. I wonder what the reason behind it is. Certainly if a department or agency is operating in the manner in which Congress intended it should operate, and is giving the American taxpayer full value, the President is not going to interfere with that kind of an organization. I believe it has been stated on the floor of the Senate that certain individuals employed in some Government bureaus or agencies are lobbying among Members of Congress in an effort to save the organizations with which they are connected. I wonder why. If they are operating the type of organization which should be operated, with honesty, efficiency, and good housekeeping, so to speak, they have nothing to fear. If they are giving the taxpayers of America full value, I do not know why they should fight the reorganization bill, and there is something wrong about those who are here lobbying, if they are doing so.

Mr. HATCH. Mr. President, on the question of exemptions and exceptions, I do not care to "pass the buck" to the President of the United States. However, I have stated that in my opinion he is the only one who can do the job effectively. If I pass to him the responsibility, certainly I am not going to vote to tie his hands. The exemptions already made were made without rhyme or reason. Even the exemption as to quasi-judicial agencies is not complete. Remember that when we write the bill, supposedly we are laying down a pattern for the President to follow. When we write the bill giving broad authority, and exempting only 10 or 15 agencies, or whatever the number shall finally be, we are saying to the President of the United States "These are the ones which we do not want you to touch." In effect we are saying, "These are the only ones. You are perfectly at liberty to reorganize all the others, and we recommend that you do so." When the situation is considered from that standpoint, no Senator would vote for the bill in that light.

The exemption of quasi-judicial agencies does not touch the National Labor Relations Board. Is it not a quasi-judicial agency? Probably an amendment will be offered exempting it, and probably a great many Senators will say, "That is one of the quasi-judicial agencies which we do not wish to exempt." But that would be a violation of the very rule which was established. It may be

that under the general terms of the bill it is already exempted, but perhaps some Senators do not want it exempted.

That is where we find ourselves when we go into the question of exemptions. How about The Tax Court, a judicial agency—not a quasi-judicial agency, but a judicial agency? It is not exempted by the bill. What a ludicrous thing it is to draft legislation in this way and say that we are going to exempt agencies which are partly judicial in character, but not one which is altogether judicial? And this is the Congress which wants to reorganize the executive branch of Government. Mr. President, the very exemptions in the bill, and the pattern which is laid down, demonstrate the absolute incompetency of Congress to reorganize the executive branch of Government.

The able Senator from Louisiana [Mr. OVERTON] eloquently pointed out why the Army Engineer Corps ought to be exempted. Perhaps he was correct. However, in the Interior Department is the Bureau of Reclamation, with its Corps of Engineers. It is not exempted. It means just as much to the West as does the Army Engineer Corps. Does the distinguished Senator in charge of the bill wish to say to the President of the United States, "We forbid you to touch the Army Engineer Corps, but go ahead and do away with the Bureau of Reclamation?"

Mr. MURDOCK. Mr. President, is the Senator propounding that question to me?

Mr. HATCH. It was, shall I say, a rhetorical question.

Mr. MURDOCK. I very vainly argued, with all the vigor I could, that we should not adopt such an amendment, and that to adopt an amendment exempting the Army engineers would merely be an invitation to exempt others. However, the Senate proceeded to include it in the bill as one of the "sacred cows."

Mr. SMITH. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. SMITH. I should like to ask the distinguished Senator a question. I gather from his argument that he believes that we should give complete power to the President to reorganize, without any review or check-up by the Congress. Does he feel that we should make no exemptions? The distinguished Senator is a member of the Judiciary Committee, as I am. I am troubled by the points which he raises. I am wondering how far he goes in the position which he is now taking?

Mr. HATCH. I can answer that question very readily. I do not think there will be any difference between the Senator from New Jersey and myself on that question. I repose the utmost trust and confidence in the President of the United States, Mr. Truman. I count him to be my warm personal friend. I believe in his integrity; I believe in his sincerity; I believe in his ability. But, Mr. President, the responsibility for reorganization of the executive branch of Government we should not impose altogether upon the President of the United States. As the Senator from Virginia said, mistakes

are going to be made; I do not care who may be President.

But by adopting the amendment which the Senator from Virginia has proposed as a substitute for the Donnell amendment, the Congress can amply guard and protect itself against any error or mistake of vital importance. I am for that proposal. I am for having the Congress retain that power, and I wish to have Congress exercise it if the occasion should arise, and regardless of who may be occupying the office in the White House.

Mr. SMITH. Mr. President, will the Senator yield for one more question?

Mr. HATCH. I yield.

Mr. SMITH. Under the amendment offered by the Senator from Virginia, it would be possible for the President of the United States and the House of Representatives, let us say, to agree on a certain program. It might be that a majority of the Senate, of which the distinguished Senator from New Mexico is such an able Member, would be opposed to that program. Under the amendment of the Senator from Virginia, if the Senate were opposed to the program it would not be possible for the Senate to express its opposition, because the House of Representatives would not be willing to go along on a so-called veto. In other words, one branch of Congress and the Executive could legislate for the United States of America.

Mr. President, I do not question for a moment the integrity of the President—

Mr. HATCH. No, Mr. President; I make the distinction that that is not legislation.

Mr. SMITH. That will be my next question.

Mr. HATCH. Very well.

Mr. SMITH. Does the Senator from New Mexico take the position that we would not be delegating legislative authority?

Mr. HATCH. Mr. President, I am not concerned about the technical question of delegation of legislative authority. I have read a number of Supreme Court decisions on that subject. Frankly, I am a little confused about when legislative authority is delegated and when it is not, and I think the courts sometimes become a little confused.

Mr. DONNELL. Mr. President—

Mr. HATCH. I yield to the Senator from Missouri.

Mr. DONNELL. I wish to ask the Senator from New Mexico for the meaning of his statement that he is not concerned with the delegation of legislative power. In that connection I ask him if he is not a member of the Judiciary Committee which issued the report which in sentence after sentence repeatedly states affirmatively that the pending bill makes a delegation of legislative power.

Mr. HATCH. Mr. President, let me reply to the Senator; I do not wish him to misunderstand my position. I said I was not concerned with the technical question whether this might be considered a delegation of legislative authority. I do not care what the Senator calls it and I do not care what the Committee on the Judiciary said about it. It is either a delegation of legislative power or it is not. I have the utmost respect

for my own committee, but whatever the committee calls it does not make it one thing or the other.

Let me say that the Senator from Missouri has quoted the report of the Judiciary Committee several times; he seems to rely absolutely upon the report of the Committee on the Judiciary on the question whether the proposal is a delegation or legislative power and therefore unconstitutional. If he is willing to follow the action of the Judiciary Committee in that respect, certainly he should not insist upon his own amendment, because the Committee on the Judiciary expressly repudiates that by the bill which it reports to the Senate.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. DONNELL. I find no place in the report of the Committee on the Judiciary in which it repudiates its statement that this is a delegation of legislative power. I challenge the Senator to point out one solitary sentence or word in which it makes such a repudiation of its position.

Mr. HATCH. Of course, Mr. President—

Mr. DONNELL. Of course, I agree with the Senator that the committee recommends this bill. It answers or undertakes to answer in one or two sentences the proposition as to whether the bill should be supported. But at no place does it even inferentially indicate that this is not a delegation of legislative power. Mr. President, I say that concession by the distinguished Committee on the Judiciary, of which the distinguished Senator from New Mexico is a member, has strong weight with me as a Member of the Senate. The fact that that distinguished group of lawyers and Senators concedes time after time in the report that this is a delegation of legislative power is highly persuasive in making me believe that it is.

If I may add one or two other sentences, let me say that yesterday and also a few days ago I undertook to indicate also that the bill itself amply corroborates the committee in the statement that it is a delegation of legislative power. I draw the conclusion that inasmuch as it is a delegation of legislative power, therefore it is unconstitutional, under the language of the Supreme Court of the United States, on page 425 of Two Hundred and Ninety-third United States Reports:

"That Congress cannot delegate legislative power to the President is universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution.

I thank the Senator for yielding.

Mr. HATCH. Mr. President, I wish to say to the Senator from New Jersey on the question of legislation and his description of the provision of a veto, as I may call it, as being legislation, that in my opinion it is not legislation. Certainly, if it were legislation, neither branch of Congress could act without having action taken by the other branch.

As I said the other day on the floor of the Senate, the vital legislation which gives life to the reorganization program is the legislation we now propose to pass.

If it is good legislation and if it is constitutional, everything that is done under it is lawful and constitutional, and the power which we reserve is purely the power to protect against possible injury. That veto power is not legislation in itself.

Now, let me say to the Senator from Missouri that I do not wish in any way to belittle the argument he has made with reference to the unconstitutional nature of the proposal, but I am quite sincere when I say that the courts themselves vastly differ and there is much confusion as to what does amount to a delegation of legislative power. According to the universal rule, as the Senator himself pointed out in arguing against the standards set up in the bill, if the standards are sufficient, the power we now propose to delegate can lawfully be delegated. Of that I have not the slightest doubt. Therefore, I am not going to take my time or the time of the Senate by arguing abstruse, abstract propositions of constitutional law upon which none of us will be able to agree and upon which the courts themselves might not agree. I have heard many constitutional arguments made on the floor of the Senate with which, in large degree, the courts disagree.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. MURDOCK. I desire to call the attention of the Senator from New Mexico and the attention of the Senator from Missouri to the fact that a three-judge district court, in the case of *Isbrandtsen-Moller Co. v. United States* (14 F. Supp. 407, 412, S. C.; 300 U. S. 139), passed on the sufficiency of the standards set up in the 1932 Reorganization Act and held that they were within the Constitution. That case went to the Supreme Court of the United States; but, due to the fact that the question had become moot in the meantime, the Supreme Court did not decide it.

So the only authority we have today, so far as I have been able to ascertain, emanating from a Federal court sustains the standards set up in the 1932 act, and anyone who will take the time to compare the standards set up in the 1932 act with the standards proposed to be set up by the pending legislation cannot help but agree that the standards proposed to be set up by the pending legislation are so much more specific and particular than were the standards set up in the other act that there can be no question, in my opinion, about the constitutionality of the bill we are now considering.

Mr. HATCH. Mr. President, I have already taken more time than I intended to take. As I said, I think we are extravagant, wasteful, and inefficient here because we talk too much, and I am just as guilty as is any other Senator. However, on these technical points we become worried and bothered. We strain today at the gnat of Constitutional construction, but we swallow the camel of overloaded, over-duplicated, inefficient, wasteful, and extravagant bureaus in the executive branch of government. I do not wish to keep on straining at gnats and swallowing camels.

There is only one fear I have in regard to this bill. My only fear regarding it is not that of granting power to the President and reserving to ourselves, as we do under the proposal made by the Senator from Virginia, the right of veto, if necessary. I am not afraid of abuse of power by the President. What worries me is that the President may not exercise the power we actually grant and give. That is the danger, Mr. President; that is the reality we face.

I hope the amendment of the Senator from Missouri will be defeated. I hope that many of the exemptions now provided in the bill will be stricken from it, and that we will send to the President a bill giving him the power which is necessary, and rely on our own judgment, our own integrity, and the integrity and judgment of the other branch of the Congress to protect against any abuse or dire disaster.

Mr. RADCLIFFE. Mr. President, will the Senator yield?

Mr. HATCH. I am through; but I yield.

Mr. RADCLIFFE. I merely wish to ask a question.

Mr. HATCH. Very well.

Mr. RADCLIFFE. When the Senator from New Mexico said a moment ago he was afraid the President would not exercise the power—

Mr. HATCH. I should have said I am afraid of that possibility.

Mr. RADCLIFFE. I was sure of that. Does not the Senator feel that not only is President Truman a very conscientious and very able and efficient man, but that he is especially interested in this special matter and he would make every possible effort to accomplish the desired reorganization? I know that the Senator from New Mexico thinks so. It may be that certain problems will force themselves upon him which would prevent him from making such a reorganization, but I do not know of anyone who would make a greater effort to try to carry out reorganization than would President Truman under the pending bill and I hope the sound amendment of the Senator from Virginia [Mr. BYRD] will prevail. President Truman is handling wisely and successfully as difficult problems as have confronted any President in our history. Instinctively he is deeply interested in taking advantage of such an opportunity to economize and to promote efficiency by certain much-needed reorganization. But unless circumstances develop which would absolutely prevent him from doing so, I feel that there is every reasonable prospect that the President will carry out in a satisfactory manner all of the power which may be given to him under this bill, which I hope will pass with the Byrd amendment.

Mr. HATCH. I am most happy that the Senator from Maryland interrupted me and made the remarks which he has made. I do not wish to have interpreted what I said as indicating any lack of confidence on my part in what the President wishes to do. I have absolute confidence in him, and I know that he is tremendously interested in the subject of reorganization. When I said that there was danger of a nonexercise

of power, I said so in the light of things which I know will take place. I know the pressure which will be brought upon the President. I am aware that no President of the United States can know intimately all the details connected with the vast bureaucracy which we have created. I know that he will have to rely upon others. I know that pressure will be brought upon him, as it has been brought here in this Chamber. I know that technical arguments will be made and that prohibitions will be asked for. There will be those who will say to the President, "Don't touch me, Mr. President," just as similar demands have been made upon us. I assert that perhaps various influences will be exercised to such an extent that there will not be obtained the effective plan which is so desperately needed. I know that with the amendment of the Senator from Missouri, and other measures designed continually to tie the hands of the President, there will be no reorganization at all.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia [Mr. BYRD].

PEARL HARBOR INVESTIGATION

Mr. FERGUSON. Mr. President, I wish to direct a few remarks solely to the question of the machinery which the Pearl Harbor Investigating Committee will be allowed to use in its effort to obtain the facts with relation to what happened prior to, at the time, and following the attack upon Pearl Harbor.

I have ascertained that some of the press releases have not made clear the question involved before the committee. Therefore, for the sake of accuracy, I should like to place in the RECORD the facts so far as they relate to the machinery of the committee.

I shall not discuss the questions of fact with regard to what happened. I merely address myself to the subject of the machinery of the committee because I believe that the Senate and the people of the United States wish to know what machinery is available and what machinery we are to be permitted to use in an endeavor to obtain all the facts. If the committee is to be crippled, if it is to go into the investigation on crutches, the Congress of the United States and the people should be informed.

Mr. President, on the 28th day of August 1945, the Army Board and the Navy Board released reports with reference to what they had found in compliance with a certain act which had been passed by the Congress. Congress had directed the Army and the Navy to make an investigation into the question of Pearl Harbor, and they subsequently submitted reports. At that time it was made clear upon the record that there had been certain omissions. There were certain records which had not been considered and which had not been released to the public. So it became apparent that not all the facts had been disclosed.

On the 28th day of August, the same day to which I have referred, the President of the United States issued an Executive order which read as follows:

THE WHITE HOUSE,
Washington, August 28, 1945.

Restricted.

Memorandum for the Secretary of State, the Secretary of the Navy, the Attorney General, the Joint Chiefs of Staff, the Director of the Budget, the Director of the Office of War Information:

Appropriate departments of the Government and the Joint Chiefs of Staff are hereby directed to take such steps as are necessary to prevent release to the public, except with the specific approval of the President in each case, of—

Information regarding the past or present status, technique or procedure, degree of success attained, or any specific results of any cryptanalytic unit acting under the authority of the United States Government or any department thereof.

That order was signed "Harry S. Truman, the President of the United States of America."

Mr. President, that order clearly prevented any person in the Government divulging any information in relation to Pearl Harbor other than that disclosed in the reports. So when the reports stated that there were top secrets, indicating that certain facts were not to be disclosed to the public, the order forbade disclosure because it contained the words "degree of success attained." Naturally such information would be indicative of the "degree of success attained."

Mr. President, that matter was not called to the attention of our committee.

On the 6th day of September the Senate agreed to Senate Concurrent Resolution 27, and it was said at that time that we would be able to function with the full cooperation of the President of the United States. It was said that we would receive all information which we might request. But, Mr. President, this restricted order was not brought to the attention of the committee.

On or about the 23d day of October 1945—many weeks after the committee had started to function as a joint committee—it was merely by coincidence that the Senator from Michigan happened to be in the office of the counsel of the committee. It was called to the attention of the Senator from Michigan at that time that the order to which I have referred was dated August 28, 1945. Counsel had upon his desk, and showed to the Senator from Michigan, the following memorandum:

Memorandum for the Secretary of State, the Secretary of War, the Secretary of the Navy, the Joint Chiefs of Staff:

In order to assist the Joint Congressional Committee on the Investigation of the Pearl Harbor Attack in its desire to hold public hearings and make public pertinent evidence relating to the circumstances of that attack, a special exception to my memorandum dated August 28, 1945, relating to the release of information concerning cryptanalytic activities is hereby made as follows:

The State, War, and Navy Departments will make available to the Joint Committee on the Investigation of the Pearl Harbor Attack, for such use as the committee may determine, any information in their possession material to the investigation, and will respectively authorize any employee or member of the armed services whose testimony is desired by the committee to testify publicly before the committee concerning any matter pertinent to the investigation.

Mr. President, at that time I read the memorandum and conferred with the counsel for the committee. I understood from it that the counsel would not be permitted to have any of the evidence and no member of the committee would be authorized to have any of the evidence. The joint committee was authorized to subpoena the witnesses before them and then as a committee of the whole get the evidence as indicated in the memorandum.

There was nothing said about civilians being authorized. It will be noted that the second memorandum makes a specific exception to the memorandum of August 28. The memorandum of August 28 specifically enjoined any civilian in the State Department, any civilian in the executive branch, any civilian in the Justice Department, any civilian in the Bureau of the Budget, or any other department from giving any evidence in relation to this matter.

So I suggested at that time, and it was agreed by counsel, that it would be well to make a modification, and counsel then in his own handwriting wrote in certain words. After the word "armed" the words "or civilian" were inserted. Then we struck out the words "whose testimony is desired by the committee" and after the word "to" we inserted the words "give information to the committee, its counsel, and its members" and "and to testify publicly before the committee concerning any matter pertinent to the investigation."

Mr. President, why was it proper to make that modification? It was for the reason that if we were to conduct an orderly hearing before a committee we should at least have some idea in advance what the witnesses know, so as to be able chronologically to present the matter to the people of the United States. Having that in mind, I was of the opinion that the committee, its counsel, and any member, should have information as to what the witnesses knew before they were brought before the committee in a public hearing, so that again we would not have confusion upon confusion. As I said before, I repeat, I am concerned solely now with the machinery by which we are endeavoring to obtain facts in this particular case.

Mr. President, next day I was advised by the assistant counsel, Mr. Geselle, that the President refused to sign the order as it was proposed to be modified so as to give this right to the committee, its counsel, and its members, and to permit civilians to disclose any facts pertinent and relevant to the inquiry.

I then believed that the matter was so important that I should take it before the committee as a whole, and ask the committee's aid in the endeavor to provide machinery which would enable us to function better and not be crippled in our endeavor to get the facts for the two Houses and for the people of the United States. So I took before the committee as a whole this proposed order and memorandum. Before I read this, I ask that there be printed in the RECORD the memorandum as corrected by counsel and the Senator from Michigan.

cause any employee of the Government to be in very serious doubt as to whether he has a right to give any information concerning files of written material. I do not say that the language was designed for that purpose, but the danger is that such an interpretation may be very easily applied. The result is that today the committee is far less advanced than it was before the order was issued. I could wish that this matter had been discussed with the counsel of the committee, Mr. Mitchell, or with the distinguished majority leader who himself, so far as I am advised, was not consulted, but who did, as he stated, take it up with the President yesterday and asked him to sign the order after it had been agreed to by the committee following very careful consideration. I assert that whoever took the responsibility of advising the President with regard to the change to which I have referred, assumed a most unfortunate responsibility under the circumstances in this case. I can only hope that further deliberation may lead those responsible to accept the committee order in the form in which it was sent down to the President after a unanimous vote of the committee.

I share the hope that we may go forward and develop all the facts, as that is obviously what the people of the United States desire to have done.

The distinguished majority leader has suggested that perhaps an appeal was being prepared for the Supreme Court. I may say that the final court of appeal in this matter will be the people of the United States. Sooner or later they will have full opportunity to manifest their own views as to whether or not this case is being adequately explored. Then it will be possible to resolve the entire situation in accordance with the democratic principles under which this Government is supposed to function.

RETURN TO THE UNITED STATES OF THE THIRTY-SEVENTH DIVISION

Mr. TAFT. Mr. President, I wish to say a word about the Thirty-seventh Division, which is now in the Philippines. The Thirty-seventh Division is the Ohio National Guard division. Many of the men of that division have been in the Army for more than 5 years. They have been abroad for more than 3 years. The Thirty-seventh is one of the most distinguished combat divisions of the Army. It is still in Manila. It includes 17,000 men, all of whom have points enough for discharge, but apparently the War Department has not succeeded in moving them from the Philippines to the United States.

The Thirty-seventh Division have been serving overseas since May 26, 1942. They saw action in New Georgia, in Bougainville, in Luzon. They were one of the first two divisions to enter the city of Manila. Their time in combat equals if it does not exceed that of any other combat division in that theater. Their casualties have been high. In the recent interrogation of General Yamashita he stated that among the Japanese of his command the Thirty-seventh Division was one of the most feared and highly respected combat divisions in the Pacific. The commander in chief never failed to

recognize the high combat efficiency of the division when difficult tasks were to be performed.

Despite cessation of hostilities, and the fact that the division have been promised return to the United States their return has been constantly postponed. Other divisions which have seen shorter service have been put ahead of them. Even a good many replacement units have actually been returned to the United States.

I took this matter up with the War Department, and received a letter dated November 1 from General Reber stating that the Secretary of War asked him to let me know that the Thirty-seventh Division is at present scheduled to sail for the United States about the middle of November. Today a radio broadcast from Manila states that their departure is again postponed. They do not know when they are going to leave or when they are to be back in the United States, or whether they can possibly be home in time for Christmas.

The men of this division feel very strongly that discrimination has been shown because they were a National Guard division, because the general commanding them was one of the few National Guard officers who retained command of his division. They believe they are being discriminated against by the authorities in charge. I do not know whether there is any basis for that feeling or not. I have received telegrams from officers and men of entire battalions of the division. Apparently the feeling in the division is extremely strong, and I should like to bring to the attention of the public and of the War Department the fact that I think an injustice is being done, and that the men of this division should be placed on the list for immediate return to this country. They have a priority over any other division now in the Philippines, or in that theater, and I trust that they may be returned to the United States at the earliest possible moment.

Mr. LUCAS. Mr. President, what does the War Department reply to the Senator from Ohio?

Mr. TAFT. They assured me, when I took the matter up 3 or 4 days ago, that the division would be returned. Now we have this broadcast from Manila saying that their departure is further postponed. I do not know what the excuse is. I hope I may receive one.

REORGANIZATION OF GOVERNMENT AGENCIES

The Senate resumed the consideration of the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

Mr. BARKLEY. Mr. President, I wish to see if we cannot arrive at some agreement by which we can vote on the so-called Byrd amendment on Tuesday. We do not contemplate a session tomorrow, and inasmuch as Monday will be a holiday, since the 11th of November, Armistice Day, will fall on Sunday, we will not attempt to meet on Monday, and it is my purpose, at the conclusion of business today, to move a recess until Tuesday.

I do not wish to ask consent to fix a time for voting on the bill finally, but I

should like to have a time fixed for a vote on the pending Byrd amendment. If the Byrd amendment, which is a substitute for the amendment offered by the Senator from Missouri [Mr. DONNELL], should be agreed to, it would dispose of the amendment of the Senator from Missouri by being substituted for it. If the substitute should be defeated, then a vote would come on the amendment of the Senator from Missouri.

I wondered if we could not agree on an hour to vote Tuesday on the Byrd amendment, which is the pending proposal, then on the Donnell amendment, if the Byrd amendment should be defeated.

Mr. DONNELL. Mr. President, inasmuch as the inquiry made by the senior Senator from Kentucky relates in part to the amendment which I have submitted, and also in view of the fact that I desire to be heard on the Byrd amendment, I should like to state that I do not feel I could agree to a time being fixed for voting on the Byrd amendment. I wish to be heard rather extensively on Tuesday in regard to that amendment, and it is impossible for me to anticipate the length of time the discussion might require, so I cannot agree.

Mr. BARKLEY. I might say to the Senator that on Tuesday we will be expected at 12:30 to join the House of Representatives in the House Chamber to greet Prime Minister Attlee. I imagine we will be back in the Senate Chamber by 1 o'clock. I thought that if we could agree to vote at, say, 3 o'clock or 3:30 on the Byrd amendment, that would give any Senator ample time to discuss it before the vote. Such an arrangement would be acceptable to the Senator from Virginia. That would give at least 2 or 2½ hours for discussion of the amendment before a vote would come.

Mr. DONNELL. Mr. President, I appreciate the desire of the majority leader to fix a time, but in view of the extreme importance, as I see it, of the issues involved, both in the Byrd amendment and my own amendment, I respectfully decline to consent.

DEMobilIZATION AND TRANSPORTATION OF MILITARY PERSONNEL

Mr. ROBERTSON. Mr. President, I ask unanimous consent to submit a resolution, and I request that it be referred to the Committee on Naval Affairs. The resolution authorizes that committee "to make a full and complete study and investigation of the general over-all plan or plans for demobilization and transportation of military personnel to the United States from overseas, and the practical application of such plan or plans, with particular emphasis on, first, the conditions existing at embarkation points in Europe, north Africa, and the Pacific; second, the duration of waiting periods at such ports before shipping is available; third, the amount of shipping being used to return said members to the United States; and fourth, whether an additional amount of shipping is available and should be used to speed up such return."

Mr. President, on several occasions since we reconvened on September 5, I have found it necessary to speak here in

the Senate on behalf of enlisted men and junior officers in our armed services. Because I did intercede in their behalf, I have been kept quite well informed of their points of view in both the European and Pacific theaters of war through the medium of their letters, voluntarily written to me.

Since early fall the undertone which runs through the letters relative to the lack of shipping space available in both the Atlantic and Pacific has grown until it is now a head-tone. It is the principal, dominant factor in virtually every letter or radiogram that comes to me. While they vary in form and details because of conditions at individual camps, they all come down to one statement, namely, "We do not believe that the heads of the Army, Navy, and Marine Corps are doing all that they can to make shipping available for our transportation home."

Several days ago I received a letter from a young officer friend of mine who, by the way, is not eligible for immediate return to the United States and is not considering it. He is attached to one of the Army ports of embarkation in the Philippines. This young man told me that he was having difficulty controlling his men, because he had been ordered to have them work on Liberty ships, which have been converted to troop carriers, and were being used to carry Japanese prisoners of war from the Philippines to Japan. The young officer said the enlisted men on the base there were planning to strike, if such is possible under Army discipline, and work only on those ships which were actually to be employed in returning our own GI's to the United States. He also sent me the front page of the *Daily Pacifican* for Saturday, October 27. The lead story in this I wish to read. This newspaper is printed by the Army in the western Pacific and goes to Army, Navy, and Marine Corps personnel out there. The main headline reads: "High-point guards for homebound Nips." The subhead is: "PW escort drawn from replacement depot." It is dated from Manila, and I quote from it:

Guard details made up of returnees from replacement depots here, are being used to escort Jap PW's to their homeland, it was revealed in a letter received by the *Pacifican* yesterday. The fact that such details were being used was confirmed last night by officials of the Replacement Command, who said that the details were usually made up of volunteers.

The letter to the *Pacifican* was written by a technical sergeant, a member of a 14-man detail that left the Twenty-first Replacement Depot on October 16 and was taken aboard the Liberty ship *George Norris*, bound for Davao, Mindanao, to pick up Jap prisoners. According to the writer, the *Norris'* destination from Davao was Kure, Japan, where the prisoners were to be discharged.

Officers at the Replacement Command said that orders for the use of men in replacement depots as guards for returning PW's "came down from higher headquarters" through Military Police Command. The men selected, they said, are preferably former military policemen, if any are available. If there are no MP's on hand for this duty at the replacement depots, infantrymen are used. Volunteers are chosen if they can be obtained, it was stated. Otherwise, qualified men are selected. The men remain on the

ships after the Jap prisoners are unloaded and eventually go with the vessel to a west-coast port. How many such details have been used was not made clear.

Lt. Col. D. C. Haney, G-3, Replacement Command, said that movement by way of Japan is almost as quick as a direct voyage from Manila to San Francisco. He also said that since there are only a few of these guards aboard such vessels, they therefore have "rather good accommodations."

It was also pointed out that low-point men, or men who had only been at the depot a few days, were generally assigned to the guard details—this in answer to a question brought up by the letter's statement that all the men involved had 90 points or more.

The sergeant's letter reads: "There comes a time in every man's life when he really needs a buddy. Well, there are 14 GI's out here aboard the Liberty ship *George Norris* who need a real buddy and need him badly and right now.

"We 14 are from the Twenty-first Replacement Depot—released from our various outfits to be sent home. We are all 90-point or higher men—one has 97 points.

"On Tuesday, October 16, we were rushed down to the dock area, issued carbines, and taken aboard the *Norris*, a ship that is bound for Davao, Mindanao, to pick up Jap prisoners. From there we go to Kure, Japan, to discharge the prisoners.

"This ship is slow, as you know, and it will be next year sometime before we get home. Is this the way we men, who have come such a long way out here, are going to be treated? Twenty-eight months on islands such as Tulagi, Emirau, and Luzon, 90 and more points, and this is what we get.

"Why all the shipping priority for WAC's, divisions, etc.? The War Department came out with the point-demobilization plan, didn't they? Then the highest point man is the only one who should get priority. The Thirty-eighth Division just left, taking 60-point men back, and here we sit rotting and sweating with 90 to 97 points.

"Please bring this to light. If not to help us, to help the Joe behind us."

On the front page is a picture of five members of the Eight Hundred and Twenty-first Engineer Aviation Battalion busy building bunks in the Liberty ship *Otto Mears*, converting it in the field for use as a troop transport. The caption says—

The men are building bunks in one of the holds which will berth approximately 160 troops; 70 volunteers from the battalion helped to speed the job after their regular day's work. By so doing the men, all of whom are eligible to go home on points, got the Liberty, the first to be converted in Manila, ready 24 hours ahead.

Incidentally, in the public forum, known as the Mail Bag, are two letters, one from a first sergeant and one from a private, both extending their heart-felt thanks to a Lieutenant Colonel Davidson, under whose guidance permission had been secured to convert these transports there at Manila. Also on the front page of the paper is an Associated Press story from San Diego that a recently discharged Army major asserted the transport which brought him home had 16 empty beds in cabins and a hold space for 300 men. Still another story headlines "Union charges Victory ships haul playboys," and tells of the transfer of 55 Victory ships to 12 steamship companies for private operations while the American servicemen cannot be sent home for discharge for lack of shipping space.

I read from the letter of my young friend:

It is absolutely true that they refitted three Libertys to take some of those dirty rotten Japs home. The GI's wonder why they could not have used the three ships for our troops. They would have provided space for 1,500 men.

In his next paragraph he states:

Two Liberty ships—the *Walsh* and the *Van Loon*—will be en route to the United States soon with air corps ammunition. Can you imagine returning ammunition to the States when the ships could be partially reconverted out there and troops sent home?

I feel that volunteers could be obtained to discharge these ships here and the space made available for troops.

He adds:

There may be a good excuse for all of this, so maybe I should not be too critical.

Perhaps that last sentence was added for my benefit but in the majority of letters I receive, there is no such caution expressed. They openly state what is happening in the Pacific. Many contend that what they term "unnecessary and serious congestion of personnel at ports of embarkation" is increasing rather than decreasing. Oversupply of incoming and outgoing men at other camps and senseless local wartime military regulations, invoked by local or area commanders, makes waiting still more difficult. Along this line, I recall a previous letter I had from my young officer friend, who said although they were walking in mud over ankle depth, the commanding general was personally inspecting the motors of all their jeeps and if any had mud on them, even though fresh mud, although they might have just driven the machine, they were confined to quarters or put in the brig or whatever a commanding general does.

There is no question that morale is bad. Extremely bad. And when morale is down, many undesirable situations arise.

Mr. President, it is evident to me that our men in the Pacific have lost faith in their service leaders and may even lose faith in the strength of this body. I can readily understand this. If I were eligible for discharge from the service, if I had been in the Pacific for 2 or 3 years and then saw Liberty ships hauling Japs back to their home ahead of transportation for myself and my friends, if I knew ships were going out with vacant bunks and holds, if I read charges in the newspaper such as those contained in the paper I have just referred to, my morale would be down, too. Not only are these the conditions that the boys face daily over there, but many of them with 80 and 90 points, can look around and see others with 100 and 110 points still sitting on one of those islands.

Yet they can read in the newspaper that day before yesterday the Army decided to release 50-point men who are home on furlough, and plans to drop the entire list to that figure in the next few weeks. I am afraid that if I were in that situation my morale would not be low—it would be completely buried.

So far I have spoken merely of the Pacific, but there are many, many complaints also from the Atlantic and the European theater, and I want to read a

79TH CONGRESS
1ST SESSION

S. 1120

IN THE SENATE OF THE UNITED STATES

NOVEMBER 9 (legislative day, OCTOBER 29), 1945

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. BYRD to the bill (S. 1120)
to provide for the reorganization of Government agencies,
and for other purposes, viz:

1 On page 19, beginning with line 4, strike out through
2 line 14 and insert in lieu thereof the following:

3 "SEC. 202. As used in this title, the term 'resolution'
4 means only a concurrent resolution of the two Houses of
5 Congress, the matter after the resolving clause of which is
6 as follows: 'That the Congress does not favor the reorgan-
7 ization plan numbered transmitted to Congress by the
8 President on , 19 .', the blank spaces there-
9 in being appropriately filled; and does not include a

AMENDMENTS

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 9 (legislative day, OCTOBER 29), 1945

Ordered to be printed

AMENDMENT

Proposed by Mr. BYRD to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes, viz:

1 On page 14, beginning with line 23, strike out all down
2 to and including the word "plan" in line 6, on page 15
3 and insert in lieu thereof the following:

4 "SEC. 4. (a) The reorganizations specified in the plan
5 shall take effect, in accordance with the plan, upon the
6 expiration of the first period of sixty calendar days follow-
7 ing the date on which the plan is transmitted to the Con-
8 gress, during which the Congress shall be in session without
9 adjournment sine die, but only if during such sixty-day
10 period there has not been passed by the two Houses a
11 concurrent resolution stating in substance that the Congress
12 does not favor the reorganization plan."

AMENDMENT

Proposed by Mr. Byrd to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

NOVEMBER 9 (legislative day, OCTOBER 29), 1945
Ordered to be printed

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued November 15, 1945, for actions of Wednesday, November 14, 1945)

(For staff of the Department only)

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HIGHLIGHTS: Senate committee reported appropriation-rescission bill (Emergency-Rubber-Project item amended). Senate received President's message urging additional appropriation authorizations for UNRRA. Senate agreed to conference report on bill providing for payment of leave to servicemen who enter or reenter U.S. employment. Senate continued debate on reorganization bill. Reps. Vursell and Rees urged reduction in number of Federal personnel.

SENATE

1. APPROPRIATION RESCISSION. Appropriations Committee reported with amendments this bill, H.R. 4407 (S.Rept. 719) (p. 10798). The Senate committee amended the language regarding the Emergency Rubber Project to provide for the orderly liquidation of the project including sale of the mills and disposal of leases by sale or by contract arrangements, and for continuation of research, but the Senate committee language does not place any time limit on liquidation of the project. The House language provided for elimination of the remaining guayule plantations and the rehabilitation and return of the leased land to the owners, and also for continuation of research work until June 30, 1946. The Senate committee also restored \$1,789,419 of the \$5,226,461 House rescission for FEA. (For other provisions see Digest 181.)
2. UNRRA APPROPRIATIONS. Received the President's message urging appropriation authorizations of \$1,350,000,000 for U.S. participation in UNRRA activities. To Foreign Relations Committee. (pp. 10795-6.)
3. FOREIGN RELIEF. Received petitions from Wis. and Pa. citizens favoring additional foreign relief (p. 10797).
4. PERSONNEL; LEAVE. Agreed to the conference report on S. 1036, providing for payment of accrued or accumulated leave to servicemen who enter or reenter U.S. employment (p. 10800). This bill will now be sent to the President.
5. PRICE CONTROL; RATIONING. Received OPA's 14th report. To Banking and Currency Committee. (p. 10797.)

6. GOVERNMENT REORGANIZATION. Continued debate on S. 1120, the reorganization bill (pp. 10822-36). Debated Byrd and Donnell amendments. Sen. Donnell, Mo., spoke urging reduction in number of Federal personnel (pp. 10822-3).
7. PRICE CONTROL. Sen. Capper, Kans. inserted correspondence concerning removal of price controls and stated that OPA policy "is likely to retard production and thereby increase the inflationary pressure" (pp. 10797-8).
8. MINERALS. Received an Army and Navy Munitions Board letter relating to the inclusion of uranium in a list of strategic and critical materials. To Military Affairs Committee. (p. 10797.)
9. MILITARY TRAINING. Received communications opposing compulsory military training. To Military Affairs Committee. (p. 10797.)
10. FLOOD CONTROL. Commerce Committee reported without amendment H.R. 1902, relating to the trial of the issue of just compensation in the case of condemnation proceedings of property to be used for flood control purposes (S.Rept. 718)(p. 10798).
11. BUILDINGS AND GROUNDS. D.C. Committee reported without amendment H.J. Res. 236, provide for continuance of the tax-exempt status of certain D.C. property used and occupied by any department, agency, or instrumentality of the U.S. Government or by the American Red Cross (S.Rept. 784)(p. 10798).
12. GI BILL OF RIGHTS. Sens. George, Connally, Johnson of Colo., LaFollette, and Milliken were appointed conferees on H.R. 3749, to revise the Servicemen's Readjustment Act (pp. 10800-1). House conferees not yet appointed.

HOUSE

13. PERSONNEL; EMPLOYMENT. Rep. Vursell, Ill., urged reduction in number of Federal personnel and criticized proposed legislation for unemployment compensation which would cover Federal employees; and transportation home; and Federal salary increases; and criticized Government expenditures (pp. 10848-50).
14. FEDERAL SALARIES. Rep. Rees, Kans., spoke favoring salary increases for low-bracket employees, opposing increases in the higher brackets, and urging reduction in number of personnel (p. 10847).
15. RUBBER. Rep. Johnson, Ill., commended wartime synthetic rubber production and inserted a press release on the subject (p. 10841).
16. FEDERAL EXPENDITURES. Rep. Rich, Pa., criticized Government expenditures and urged a "sensible administration...or our Nation will be ruined financially" (p. 10844).
17. COMMITTEE ASSIGNMENT; FLOOD CONTROL. Rep. Davis, Tenn., was elected to the Flood Control Committee (p. 10846).
18. PRICE CONTROL. Reps. Hartley (N.J.), Rittenger (Minn.), and Jonkman (Mich.) criticized OPA price policies (pp. 10840-1, 10842).
Rep. Sabath, Ill., commended Chester Bowles' administration of OPA (p. 10844).
Rep. Gallagher, Minn., urged continuing price controls to avoid inflation (p. 10844).

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENGINEERING & MANUFACTURING Co., LTD.,
Tel-Aviv, October 2, 1945.
CEDAR RAPIDS ENGINEERING Co.,
Cedar Rapids, Iowa.

DEAR SIR: We wish to acknowledge receipt of your circular letter of September 18, informing us that export restrictions on your equipment to this country have been relaxed.

Unfortunately the restrictions at our end have not been lifted and in fact at the moment although we have a considerable number of applications for your goods outstanding with the Palestine Government, none have been passed owing to the fact that the Government says that they are short of dollars and that we should order from suppliers in Great Britain.

We have endeavored to obtain the assistance of the American Consulate, but we understand that they are not able to do anything. It is presumed that after the negotiations between the representatives of the British and American Governments have been concluded, the position may change. However, this is not yet known.

Yours faithfully,

ENGINEERING & MANUFACTURING Co., LTD.

AMERICAN FOREIGN POLICY AND THE SITUATION IN GERMANY

Mr. HICKENLOOPER. Mr. President, a few days ago I received, from Germany, a letter from a major who is a veteran of the last war. Today he is serving with the occupation forces in Germany. He is a man of very substantial discernment and of a very substantial position in my State. His observations are worthy of note because of the balance of his judgment and because he did not go into the Army with any attitude other than that of service to his country. In reading his letter I shall omit the salutation and the address, as well as several other references to his locality, because I should prefer not to identify him. I shall also omit certain words which might be denominated as strong language, and I shall designate them only as "blank." The substance of his letter is as follows:

I am one of about seven that are being left behind at HQ ——. The rest are going to ——. Berlin. I am trying to dodge that. Until the 15th we will continue to have our offices here —— then move over to the IG Farben building at Frankfurt. When I see these undamaged places—almost always owned by Farben or some other big company—I think of a statement of Arthur Kipgen, vice president of the Esch Steel Co., in Luxemburg. I asked how it happened that their plants were not damaged though they were turning out steel for the Germans. He merely stated that Mr. —— was a good friend of his.

Because this is a statement of rumor, I shall not mention the name of the official which is set out in the letter, in view of the lack of proof.

The letter continues as follows:

Just what is our plan for the occupation of Germany, and toward Germany? I certainly got no inkling of it from Truman's 12 points. Our denazification policy is quite likely to make martyrs of these ——, and about all that we are doing is to put some of the Nazi principles into reverse, with other men in the drivers' seats. That may be a sort of justice, but it is not lessening the probability of the next war. Besides, I do not think that we fight wars to try to bring

about individual justice. (I sure —— did not come into this —— thing because of any of the bunk —— thought up.)

Why in the name of heaven can't we work out our definite foreign policy? I know that it is difficult, but back of our actions there should be a purpose. If the Nation does not have a national foreign policy, then our commercial interests will adopt one for us, without our knowing the terms. We just came through such a situation, and I think that Berg's book shows what part of it was.

If we are going to establish, extend, and develop our markets in other parts of the world as a national policy, then we should adopt a national policy to keep us out of trouble, or else get us into it. Those persons, businesses, and so forth, engaging in that development should do so with the definite understanding that we either are, or are not, going to use any national or governmental influence or pressure. We should have a policy under which loans are to be made both to countries in which such markets are to be developed, and as to such loans generally. It seems to me that the business of making Government loans to foreign nations and to businesses engaged in foreign activities is something that should receive some consideration and action. Should we not have some very definite policy in regard to such? But perhaps we do have and I just do not know what it is.

It is one thing to have a positive foreign policy and quite another one to have a negative one.

I just read Truman's 12 points the other night. Seems to me that the "donkey" is slipping a little. Wilson had 14 points. Someone must have just prepared that junk for the next campaign. But seriously, No. 1 seems silly. Why shouldn't we take what we need in the Pacific where we paid for it with blood? Why should we not maintain the advantage we have so dearly bought? If we do not keep it someone else will pick it up. No. 2 is either a slap at Russia, a warning of trouble ahead, or else we will have to back down right at the start—or engage in some international insincerity. As to No. 3—how are we to know that the changes are in accord with the wishes of the people—how about Estonia. These DP's who fled to German slavery rather than be taken to Siberia—rather than live under the Russian system—would not certainly agree that the change was in accordance with the wishes of the Estonian people. No. 4 sounds nice, but just what yardstick is to be used to determine when a people is prepared for self-government, and who is to be the judge?

While No. 5 may look good from our point of view, just why should we insist upon governments being democratic? Why cannot they choose the kind or type they want? While it is possibly true that a democratic nation is less likely to engage in aggression, how does this statement square with our leaving Hirohito in the saddle? How, too, are we to expect Russia to help in setting up a truly democratic form of government? Perhaps they have changed the definition of democratic government, but to me it is not possible to have what we think of as democratic government without individual rights of ownership of property.

What No. 8 means I have no idea—assuming that it means anything at all.

No. 9 seems to be a 1945 revision of the Monroe Doctrine. Possibly it was meant as a warning to Russia, but if so it was ill-advised, the timing was bad, and the taste that it has left is far from good. The ultimate reaction to that will probably be for Russia to say, "Well and good. We will say the same thing about Eurasia," or at least a large part of it.

No. 10. I seem to be a little hazy as to just what "economic collaboration" is, but if it has anything to do with at least a reasonably friendly exchange of economic goods and services, then we are not even practicing

it over here in Germany where several countries are just running their little empires in their own ways with almost no exchange of economic goods.

It may be that the whole 12 points were intended as a unit—and the hub of the thing was No. 12. But if so then we had best get down to some limitation and definition of this or we will remain where we are. I do not as yet feel ready to adopt the British idea of keeping garrisons all over the world, yet it seems that we are headed in that direction rather than in the direction of any international police force, in the conception we have generally had of that term. Perhaps it is just better to have us as the ward policemen in certain areas and England in others.

I have been interested in watching UNRRA. It is a marvel of disorganization. The teams that came in early and worked in the DP camps did a good job. They deserve credit. They were largely British, Dutch, and French. Now that a lot of the work has been done there seems to be a lot of confusion and not so much work being done. I really believe they are as Snafu as ECAD. They do not know how many teams they have or where they are. I live in the same house with the two head men of the public health work. One is loaned from our army.

My own work has been to get lands—

And so forth. Here I omit reading a statement because of identification—

and other lands controlled by the Army, and which are not needed by us for any purpose, back in production. Another part of my work has been to see how the land settlement and land consolidation agencies are functioning, and what the set-up is in each part of the American zone.

I found that one of the extreme cases was in the Wiesbaden area where one owner held title to approximately 300 separate tracts which when consolidated into three fields of equivalent total area gave him the three fields together, the largest of them being about 20 acres.

They do this work on a Gemeinde basis, somewhat equivalent to a Township, and the process is very much desired by the owners. They find that it increases production from 20 to 30 percent. The cost formerly was paid largely by the German Government, but now it is set up so that the farmers themselves pay the cost. This is handled by an organization which is known in some parts of the country as "Feldbereinigung," and in other parts as the "Bauern Kultur Amt."

The other agency that I have been studying some is the land settlement agency "Bauern Siedlung." It is the same all over Germany and they have first option to buy up any land offered for sale. They then combine small tracts and sell them out to able operators. It is really quite a set-up. I have rather full details of these offices in most of the parts of the zone.

One thing that is rather interesting is that the demand over here is more for consolidation of land than for the splitting up of it. Of course most of the large estates were in the eastern part of Germany. There were some more in the area now held by the Russians between Hannover and the Elbe. The chief objective seems to be to get at least fields of 2 to 3 acres in size.

It is probably most fortunate for Germany that they are largely in the oxen stage of farming, as the ox or cow can serve for two or possibly eventually three purposes.

I wish you had time to come over here and have time to get out and see not only the extent of damage that has been done to German economy, but also the conditions that will exist by the time a few months roll around. It is not that I am sorry for them. I am just ashamed that we are doing and permitting some of the things we are doing and permitting.

Had been hoping to be home by Xmas, but that hope seems to be slipping. At least I am all of the time, every time they send around a card, saying that I want out now. So far I do not seem to have received favorable consideration for that purpose.

Just heard that they are contemplating the building of a lot of army barracks here to house our troops. Why we should do that is beyond me unless they think they should replace those we destroyed in order that Germany may not be inconvenienced if she wants to train for WW. III. If the DP's are disposed of there will be plenty of Kasernen. Something should be done for the poor Baltics. There are a lot of well educated, English speaking, talented Baltics that we could well take in our country rather than a lot of others that have gone there in the past few years.

I shall not read the last two paragraphs of the letter because they are personal in nature.

Most sincerely yours.

I have read the letter, Mr. President, because of my personal acquaintance with the writer and because he is a skilled observer and a man of high integrity. By his letter it is evident that he is a man whose experiences up until the present time have caused him to become very caustic indeed about many of the policies which he sees being pursued in our occupation of Germany.

REORGANIZATION OF GOVERNMENT AGENCIES

The Senate resumed the consideration of the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

Mr. DONNELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DONNELL. What is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from Virginia [Mr. BYRD], proposed as a substitute for the amendment of the Senator from Missouri [Mr. DONNELL], as modified, inserting certain language in lieu of section 4 (a).

Mr. DONNELL. Mr. President, as indicated by the announcement of the Chair, the junior Senator from Virginia [Mr. BYRD] has offered a substitute for the amendment I have offered to section 4 (a) of Senate bill 1120, a measure providing for the reorganization of Government agencies, and for other purposes.

I rise to oppose the substitute which the Senator from Virginia has offered. I am deeply conscious of the importance of the subject matter the consideration of which we are to resume this afternoon. I am conscious, first, of the importance of the reorganization of the agencies of the National Government. I read with interest and with full concurrence the statement in the report of the Committee on the Judiciary that—

A reorganization of the executive branch is more imperative today than ever if we are to put this vast structure on a modern and workable basis and effect economy, efficiency, and simplification in its administration.

Mr. President, I also realize that far beyond the importance of this particular measure and far beyond the importance

of the question of the reorganization of the agencies of the National Government is the importance of the fundamental principles which are involved in this discussion, principles which go to the very foundation of the theory of government on which the United States of America exists today. I note that in the case of Panama Refining Co. against Ryan, which has previously been referred to by the distinguished Senator from Utah, who already has so courteously and efficiently discussed the various phases of this bill, the Supreme Court of the United States, speaking through the tongue of one of the great jurists of our Nation, former Chief Justice Hughes, then said regarding the question before the court:

The question is not of the intrinsic importance of the particular statute before us, but of the constitutional processes of legislation which are an essential part of our system of government.

Today, Mr. President, in this discussion in the Senate of the United States we are confronted with a bill which is intrinsically important because of its subject matter, namely, the reorganization of the agencies of the National Government. I adopt the language of the Supreme Court which I have recited when I say that the pending measure, together with the amendments which have been proposed to it, refers to "constitutional processes of legislation which are an essential part of our system of government."

This afternoon I shall discuss the amendment offered by the Senator from Virginia. In connection with it I shall discuss the bill itself, insofar as it relates to the portion covered by the amendment of the Senator from Virginia. In connection with both of them, I shall discuss the amendment I have offered, for the three must be considered together in order to determine the proper course of procedure to be adopted by the Senate regarding what I believe to be an exceedingly important and momentous question.

I digress to pay a word of tribute to the Senator from Virginia, who not only has served his own State as its chief executive with distinction and honor to himself, and satisfaction to the people of his State, but who likewise, by his singular and outstanding devotion to matters affecting the reorganization, the efficiency and the economy of our government, has become known from one end of the Nation to the other. Consequently, it is with some feeling of trepidation that I undertake to oppose the views which are expressed by so able, so distinguished, and so outstanding a member of the Senate as the distinguished junior Senator from the State of Virginia. Yet, Mr. President, to my mind the issues here are so clear and so unmistakable that there devolves upon someone the duty of stating them, analyzing them, and presenting the point of view which I shall present this afternoon.

Both my amendment and the Byrd substitute relate to section 4 (a) of the committee amendment, which is now pending before the Senate. Therefore, let us examine the substance of section

4 (a) of the committee amendment, let us examine my amendment, and let us examine the Byrd substitute for my amendment.

Section 4 (a) of the committee amendment follows a section which provides when the President shall prepare a reorganization plan. It further provides that he shall transmit such plan to the Congress of the United States. I am speaking now of section 4 (a) in the committee amendment itself, the measure to which both the amendment of the Senator from Virginia and the amendment which I have submitted apply. Section 4 (a) of the committee amendment then provides, in substance, that the reorganization specified in the plan which the President submits to the Congress shall take effect unless either House of Congress adopts a resolution stating that it does not favor the plan. Mr. President, that is the section of the committee amendment to which both the amendment offered by the Senator from Virginia and the amendment I have offered are opposed. The amendment which I have submitted provides—and I quote from my own amendment in advance of that of the distinguished Senator from Virginia because of the fact that his is offered as a substitute for mine, and in the logical sequence, therefore, mine should first be brought to the attention of the Senate:

No such reorganization plan submitted by the President to the Congress of the United States shall take effect until there shall have been enacted a joint resolution approving the plan.

That means that both Houses of Congress shall first affirmatively approve the plan; and then, under my amendment, the President, after the approval of Congress has been given, shall sign the joint resolution before the plan shall take effect.

So, Mr. President, up to this point we have the committee amendment—the bill itself—to which these amendments apply, and which provides that the reorganization specified in the President's plan shall take effect unless either House of Congress adopts a resolution that such House does not favor the plan; and then we have the contrary amendment, the one which I have submitted, providing that no such plan shall take effect until there shall have been enacted a joint resolution which will require the action of both Houses of Congress and the signature of the President approving the plan.

We have before us also, the Byrd substitute which provides, in substance, that the reorganization plan submitted by the President shall take effect unless both Houses of Congress adopt a concurrent resolution that Congress does not favor the reorganization.

So there have been presented three proposals, namely, the committee amendment itself which provides, as I have indicated, that after the time specified in the amendment has expired, the plan shall take effect if in the meantime Congress has done nothing; the amendment submitted by me, which provides that after the plan comes before the Congress it shall not take effect until there has been enacted a joint resolution approving the plan; and the Byrd substi-

tute which provides that the reorganization plan shall become operative or effective unless both Houses of Congress shall adopt a concurrent resolution that Congress does not favor the reorganization.

The Senator from Virginia has frankly stated that he has changed his position since 1939 when there was enacted a statute with respect to reorganization. Mr. President, I am not criticising the distinguished Senator from Virginia, because he has a perfect right to change his views. When a man frankly, honestly, and courageously stands on the floor of the Senate and announces without equivocation his change in view, I undertake to say that no one is justified in attacking him solely because of his change of opinion. I do assert, however, Mr. President, that at this time when an issue of such significance is before us, one which goes to the very foundation of our Government and of our Nation, we are entitled to examine with care the reasons which now animate the Senator from Virginia, and the reasons upon which he based his judgment, contrary to that of today, back in 1939.

Last Friday the Senator From Virginia spoke as follows:

I wish to state at the opening of my remarks that I have changed my position on this question, and I wish to give my reasons for doing so. When the last reorganization bill was before the Congress in 1939 I voted for an amendment offered by the Senator from Montana [Mr. WHEELER] which was similar to the amendment offered by the Senator from Missouri [Mr. DONNELL], providing that no reorganization plan could be made effective as recommended by the President unless affirmative action were first taken by both branches of Congress.

I may add, Mr. President, that in 1939 the Senator from Virginia showed the sincerity of the position which he then took by voting not only once but twice for the Wheeler amendment, first upon the original consideration of the amendment, and again upon its reconsideration.

On Friday last the Senator from Virginia proceeded with regard to his reasons for changing his position since 1939, as follows:

My reasons for changing my position on this question are these: Present conditions are vastly different from those existing in 1939. Today there are nearly four times as many Federal employees as there were in 1939.

He continued as follows:

I believe there are nearly four times as many bureaus, departments, and agencies of the Government as there were in 1939.

He then said:

I am convinced, after 12 years of study of the subject of reorganization, that the only way to get a worth-while honest-to-goodness reorganization is to abolish bureaus and agencies of the Government and reduce the number of personnel wherever possible, rather than to shift one bureau to another.

Continuing, the Senator from Virginia said:

I think the only way to accomplish that is to give the President the power to do it, after exempting the quasi judicial agencies of the Government.

In continuing, the Senator said:

Give him—

That is, the President—

the power to reorganize the executive branches of the Government, subject, of course, to the right of Congress to reject any plan by concurrent resolution adopted by both branches.

I pause, Mr. President, to invite attention to the fact that although the distinguished Senator from Virginia refers to a period of 12 years of study on his part of the subject of reorganization, when the bill of 1939 was before the Senate he had already devoted 6 years of study to the same problem. His conclusion as expressed to the Senate at that time was diametrically opposite to that which he expresses today.

It will be observed with what emphasis the Senator from Virginia referred to the changed conditions as expressed in his remarks last Friday. It is of interest to note also that in those remarks he further emphasized a change in conditions, as follows:

Not only—

Said the Senator from Virginia—

has the position of the Senator from Virginia changed but conditions have changed. We have a far more difficult question of reorganization now than we had in 1939. We have four times as many employees now as we had then, and we now have seven or eight times as many bureaus as we had in 1939.

The Senator from Virginia further stated that the Federal Government has in this country 3,000,000 employees, each of whom, in the opinion of the Senator from Virginia, can control two or three votes.

Continuing, the Senator said:

So we have a vast voting army of seven or eight or nine million votes which can be cast one way or the other to protect existing jobs.

The Senator stated further as follows:

The Government bureaus have enormous power. They have the power of political life and death over Members of the House and Senate. They can deny a Member of Congress things in his district and defeat him and do the same thing in case of a Senator. They cannot do that with the President of the United States.

I pause in order to comment upon the fact that if it be true—and from the Senator's statement I have no doubt it is—that the Federal Government has 3,000,000 employees located in this country, and if it also be true that they constitute a vast voting army with seven or eight or nine million votes which can be cast one way or the other to protect existing jobs, there is no reason why those votes could not, in certain circumstances, all be cast against the President of the United States as well as against the Members of Congress. It is true, of course, that there may be instances in which the votes would be cast only against the Members of Congress and not against the President of the United States; but with a vast voting army of eight or nine million votes, I undertake to say that it is not entirely accurate to state, as did the Senator from Virginia last Friday, that these bureaus cannot defeat the

President of the United States just as they can defeat the Members of Congress.

The Senator from Virginia stated further as follows:

It is a realistic question that confronts us.

Mr. President, I conclude my analysis of the reasons stated in the Senator's own language, with the very significant interrogation made by the distinguished Senator who sat for a while in the chair as the Presiding Officer of the Senate, the senior Senator from Delaware [Mr. TUNNELL]. He interrogated the Senator from Virginia as follows:

As I understand the Senator from Virginia, what he is asking for has a greater chance of success.

To this observation the Senator from Virginia replied:

I am advocating it for that reason. I think that is the only way to obtain an effective reorganization of the Government.

I have quoted rather extensively from the remarks made by the Senator from Virginia last Friday. I believe I have given to the Senate a substantially correct synopsis of the mental processes as stated by the Senator himself on the floor of the Senate which caused him to change his position diametrically this year from what it was 6 years ago. From the remarks made by the Senator from Virginia and quoted today, it is obvious that in changing his position from what it was in 1939 he was moved first by his belief in the great need for a reorganization, a belief, Mr. President, which I share with him, and without the benefit of the vast fund of knowledge which he possesses. I take it upon the very facts he has given us, and the facts which from current knowledge we all know of, that there is great need for reorganization. He is moved by that belief.

In the second place, he is moved by his view that the vast increase in the number of Federal employees since 1939 has caused an important change in conditions. Then he is moved by his belief that if under present conditions there be left to Congress the responsibility of providing for reorganization by legislation, reorganization will not occur. Indeed, the Senator from Virginia indicates a feeling of desperation as a major contributing cause toward his change of position. Said he on last Friday:

I have changed my position. I may be called inconsistent; but I am doing it in the desperate hope that there may be some way to accomplish a reorganization of the Government, the vast bureaucracy of which, I think, imperils the very foundations of our democracy.

Added to these remarks of the distinguished Senator is his belief, as indicated in his statement, that President Truman desires to effect a reorganization of the Government, and it is the view of the Senator that President Truman is far more economy-minded than was the late President Roosevelt, and is far more desirous of economizing and bringing about efficiency in the administration of the Government than was the late President Roosevelt. So the Senator from Virginia concludes—and I quote his language of Friday last—

The only way to reorganize the Government is to give the power of reorganization to the President and then depend upon him to accomplish it, and hold him to a strict accountability.

I digress for the moment to point out that the Senator does not explain how, under either the committee amendment or the Byrd substitute. The President would be held to the strict accountability to which he refers.

In 1939 there was enacted a reorganization bill which, as the Senator from Virginia said last Friday, required the passage of a concurrent resolution of rejection in order to make inoperative any plan which the President might submit. The Senator correctly says that his substitute amendment of the present time is practically identical with the 1939 bill.

The Senator from Virginia opposed the 1939 bill, which is the same as his pending amendment. In 1939 the Senate bill which was proposed, and the Wheeler amendment which was proposed, were the same, in effect, as the amendment which I have offered to Senate bill 1120, and the Senator from Virginia favored the Senate bill in 1939 and the Wheeler amendment that year. His position in 1939 was, as I understand from the report which he himself submitted to this body from the Special Committee to Investigate the Executive Agencies of the Government, based on what he considered underlying and fundamental principles.

I call attention to the fact this afternoon that the Senator from Virginia does not now base his present change of position on the ground that the principles which in 1939 he supported and regarded as fundamental were wrong. He makes no contention to that effect. He is basing his change of position mainly, if not entirely, on the fact that by the adoption of his substitute, thereby leaving the matter to the President with only a negative power of disapproval retained by Congress, there is a greater probability of obtaining reorganization than if my amendment were adopted.

At no point in the Senator's argument does he assert or imply, even remotely, that the principles upon which he acted in 1939 and which are the principles on which my amendment is based are unsound.

Mr. President, let me quote one of the principles upon which was based the report presented by the Senator from Virginia in 1939 in opposition to the plan which he now advocates, and in advocacy of the plan which my amendment advocates. He said:

The Senate committee submits that as a fundamental principle of government, Congress should retain the right of direct and affirmative vote upon changes of functions or policies of government and other vast potential powers which may in effect be exercised by the Executive under this proposed legislation.

This retention of the right of direct and affirmative vote is what the amendment which I have offered provides and makes obligatory and is what the Byrd substitute now offered to the Senate omits.

Let me read further what the Senator reported to the Senate in 1939 with respect to the House bill, which is the plan which his substitute amendment now prescribes. I call attention to page 4 of the report which he presented. This is the report presented by the distinguished Senator from Virginia on behalf of the Special Committee to Investigate the Executive Agencies of Government, which was ordered to be printed on March 6, 1939. I read:

The House bill provides a negative, unorthodox, and unprecedented procedure with drastic regulation of debate. Under the terms of the House bill, a reorganization plan submitted by the President becomes operative if Congress does not act.

That is exactly what happens under the substitute which he now presents and urges the Senate to adopt.

Let me read further what the Senator from Virginia said in 1939 in opposition to the proposal which he now advocates in his substitute amendment, report No. 142, page 4:

Attention is further called to the fact that under the House bill authority is given the President to recommend changes, amendments, alterations, or abolition of governmental functions as well as the administrative machinery necessary for performance of such functions.

I ask Senators to listen closely to the next sentence of the report presented by the Senator from Virginia in 1939. It reads:

Under the House proposal, these recommendations might become effective without as much as a vote in Congress.

That is the situation, Mr. President, with respect to the amendment which he now offers and with respect to the committee amendment. It is not, however, the situation which would apply under the amendment offered by the Senator from Montana [Mr. WHEELER] in 1939 or under the amendment which I have offered in 1945.

Then I call attention to the further language of the report presented by the Senator from Virginia in 1939, page 4:

Functions of government are the policies of government adopted by the Congress. Without making an issue as to the propriety of abolition or amendment of functions of government in this manner, it is obvious—

Continues the report presented in 1939 by the Senator from Virginia—

It is obvious that the importance of such a delegation of authority to the President is so important that Congress should at least act affirmatively and directly, as contrasted with the negative procedure and drastic debate limitations set forth in the House bill.

Let me read to the Senate what the Senator from Virginia said in 1939 in favor of the Senate committee bill of 1939, which is the same in substance as my amendment of today, and which he then favored and which he is now opposing. Said the Senator from Virginia:

The Senate committee method is simple and direct.

And by the way, the section is even headed in what I consider to be capital letters: "Simple and direct method"; that is the Senate committee method which he then favored and which he now opposes.

Later in the same section of his report the Senator from Virginia said in 1939: Congress is anxious—

He had learned of this, of course, from his 6 years of work and efforts, as had we all, to some extent—

Congress is anxious for reorganization for economy, simplicity, and efficiency. The people of America are demanding it. The Senate committee bill—

That is the same as my amendment of today, Mr. President—

The Senate committee bill—

Said the Senator from Virginia in 1939— provides—

What?—

provides a more expeditious way to achieve it.

There is no contention made there that the method which I have proposed would be a dilatory one. There is no contention there made, such as was made last week by the Senator from New Mexico, that my amendment or the Senate committee bill of those days, which was the same as mine, would kill reorganization. Indeed, the Senator from Virginia, after 6 years of study of this question of reorganization of governmental agencies, said in 1939 of the very bill which is the same as my amendment:

It provides a more expeditious way to achieve it.

By the term "it" is meant the reorganization as used in the preceding sentence. And then he said:

At the same time, it—

That is the Senate committee bill which he then favored and now opposes—

At the same time, it—

The same as the amendment presented by me, Mr. President—

protects well-considered and wise proposals, as well as the rights of the representatives of the people to voice their approval or objections to changes in Government which may be of vast importance.

And then referring to reorganization, the Senator from Virginia said in his report of 1939 to the Senate—and this was not after a few weeks or days of study, it was after 6 years of study of reorganization and of efficiency and economy in government:

Responsibility for it—

That is to say, for reorganization— lies—

With whom?—

lies jointly with the legislative and executive branches, because primarily it is the duty of the legislative branch to formulate the policies and prescribe the functions given to the executive branch for administration.

And then he continued with these significant sentences in his report of 1939:

However, it must be a precaution of first consideration—

Not a matter of subsidiary importance, but a precaution of first consideration, he said—

in any reorganization that delegation of power at best is a wedge into our form of government of great potential danger. Any new delegation of power—

Said he—
must be explicitly defined and safely curbed.

Mr. President, if we search Senate bill 1120, the committee amendment, and if we search the amendment submitted by the Senator from Virginia, with the highest powered magnifying glass known to science, we will find no explicit definition or safe curb to which the Senator from Virginia referred as an essential in his report of 1939.

Mr. President, I know of no reason why principles—and I emphasize the word "principles," not "expediency," but "principles—I know of no reason why principles which were so salutary, so wholesome, so simple, so direct, so deserving of capitalization even as to one of them in the report of the committee, and so fundamental, as stated in the report presented by the Senator from Virginia in 1939, should in 1945 be abandoned, especially in view of the fact that no criticism whatever of these principles is made by the Senator from Virginia or by any other Senator who has spoken upon the floor; the only reason for their abandonment being, to quote again in substance the Senator from Virginia, that (a) we now have four times as many employees as we had in 1939 and (b) we have a different man as President.

Mr. President, laws of one type should not be made for one President and laws of another type for another President. There sits in the chair at this moment an esteemed friend of mine of a different political faith but whom I have known as the Governor of his State, the State of Nevada. I dare say that at no time did he recommend to the legislature of his State that a different series of laws should be enacted and made applicable to the time when he was governor than would be made applicable to the time when someone else was governor merely because of a change in personnel. I recall as does he that Chief Justice Marshall said:

The Government of the United States has been emphatically termed a Government of law, and not of men.

I dare say the decisions of the courts from one end of this land to the other—and I recall the significant and important decisions of the Supreme Court of my own State of Missouri—have emphasized and reemphasized the statement made by that man, intellectual giant as he was, Chief Justice Marshall.

There is in this very building a historic spot, from which that grand man, Samuel B. Morse, from whose family, at least collaterally, perhaps directly, I do not know, the distinguished Senator from Oregon who sits here this afternoon may come, at the place where the Senate Law Library is now located, more than a century ago, sent over the telegraph from here to Baltimore the message, "What has God wrought?"

And this man Marshall, man of great dignity and distinction and integrity of purpose and knowledge and discernment of the law, this man sat in these very surroundings upon that court which has laid down these salutary and fundamental principles of government.

I assert, Mr. President, that we have not yet arrived at the point where we in

the Senate should undertake to pass one type of law applicable to President Roosevelt and another type of law applicable to President Truman. There may be those who prefer one man or the other; but, after all, the remarks of Chief Justice Marshall are still true and sound. The mere increase in number of employees of the Government does not justify us in abandoning principles which, as the Senator from Virginia pointed out in 1939, were wholesome and fundamental, unless in the meantime those principles have been found to be fallacious. I assert that the same principles of government are as sound in the days of Harry S. Truman as President, and with an increased number of employees in the Government, as in the days when Franklin D. Roosevelt was President and we had a smaller number of employees in the Government. I undertake to say this afternoon that it is unwise and improper to allow expediency—or "realism," as some term it—to supersede principles of unquestioned merit and excellence.

What about the committee amendment and the Byrd amendment? What is it that they do? I have hitherto stated to the Senate that the committee amendment to Senate bill 1120 delegates legislative power. I do not ask the Senate to rely solely on my conclusion to that effect. We have a Judiciary Committee of the Senate, which at the time of the report on Senate bill 1120, October 18, 1945, consisted of 17 lawyers from among the membership of the Senate. They represent not much less than one-fifth of the entire membership of this body. I again call the attention of the Senate to the fact that not merely do I say that the committee amendment delegates legislative power but that this great body of lawyers, in their report, to which no member filed a dissent, repeatedly say that the bill, by which the committee means the committee amendment, delegates legislative power. Let me remind the Senate of the language used by the Judiciary Committee. On page 3 of the report we find the following:

In an effort to achieve the practical objectives of reorganization of the executive branch, this bill provides that part of the legislative power of the Congress shall be delegated to the President, and that the action of the President, taken in the exercise of the legislative power so delegated, shall be the law of the land unless it be set aside by a resolution passed by a majority vote of either House.

Let me read again the next sentence from the report:

Such a delegation of legislative power does not operate to deprive either House of the Congress of its constitutional right to have no change made in the law relating to organization of the Government without the assent of at least a majority of its Members present and voting.

Again, the committee of 17 distinguished lawyers, Members of the Senate, distinctly used the language "a delegation of legislative power" in the sentence which I have just read.

Let me read another observation from the report of the Judiciary Committee. I pass to the next page, page 4, where we find the following:

It seems apparent that the President will make large use of the Bureau of the Budget in exercising the legislative power respecting reorganization which this bill delegates to him.

As I cast my eye farther down the page I find the following:

In delegating certain legislative power to the President, this bill exempts from the exercise of such power the General Accounting Office and the Comptroller General and certain independent regulatory agencies.

The Senator from Virginia himself has explained his own view with respect to whether or not the proposed delegation of power would be a delegation of legislative power. Please note the following colloquy between him and the junior Senator from New Jersey [Mr. SMITH], who listens intently as I speak this afternoon. I quote from the CONGRESSIONAL RECORD of last Friday:

Mr. SMITH. Mr. President, does the Senator take the position that the proposed delegation of power would be a delegation of legislative power or executive power? Are we delegating legislative power? It seems to me that is the whole question.

The Senator from Virginia [Mr. BYRD] says what he thinks of it in seven words:

Mr. BYRD. It seems to me that we are.

Remember, the question was, "Are we delegating legislative power?" I have quoted the question and the answer.

The distinguished Senator from Virginia asks us to support the amendment, and he himself concedes that it seems to him that we are delegating legislative power.

After the foregoing observation the Senator from New Jersey said:

That is what troubles me with the Senator's argument.

Then the Senator from Virginia made this amazing statement:

Mr. BYRD. Many times we have delegated legislative power. I would say that more than half of the bureaus shown on the chart on the wall were established by Executive order.

He pointed to the charts which are still on the wall, under the clock.

They were not established by Congress. It has been done time and time again—

This is the significant part—

and will be done time and time again in the future. I want it done in such a way that it will be of some benefit to the country by reducing bureaus and agencies, instead of giving the President power, as all Presidents have been given power in the past, to create new agencies and bureaus.

So, Mr. President, this afternoon we find the distinguished Senator from Virginia not only conceding that it seems to him that we are delegating legislative power, but undertaking to say that we have many times before delegated it, and prophesying that it will be done time and time again in the future. I am afraid that his prophecy has the germ of truth in it if we establish the precedent which he asks us to establish.

Mr. President, the Committee on the Judiciary declares that the bill delegates legislative power to the President. It reiterates that statement three times after its original declaration. The Senator from Virginia tells us, after 12 years of experience, that it seems to him that

we are delegating legislative power. The Senator from Virginia has served in the executive capacity of governor of a State, and he should be able to tell something about whether a power is legislative or executive. Not only does the Committee on the Judiciary make this declaration, and not only does the Senator from Virginia himself state what I have quoted to the Senate as his belief, but, more important, perhaps, than either of those statements is the fact that the bill itself affirmatively shows that we are delegating legislative power to the President. I said that perhaps that was more important. I withdraw the word "perhaps" for notwithstanding what is said, the bill itself governs. An examination of the bill affirmatively shows that we are delegating, or trying to delegate, legislative power to the President. Why do I say that? It requires no profound technical study to understand why.

The reason why the committee amendment delegates legislative power is simple and clear, and I doubt not that every person in the gallery who may examine the bill can understand the proposition which I advance here this afternoon. The reason why the committee amendment delegates legislative power is that the committee amendment permits law to be made by the President of the United States.

Under the bill, the President is to prepare a plan and transmit it to Congress. There is nothing out of the way in that. I have no objection to having the President prepare any plan he wishes to prepare and transmit it to Congress. I have no objection to having the President make a recommendation, as it is his constitutional duty to do, in respect to matters involving the general welfare of the Nation. The President is doing nothing wrong in preparing and transmitting such a plan. But what happens then, under the committee amendment and under the amendment of the Senator from Virginia? If the Congress does nothing, the plan of the President will become law. Congress will not have legislated. No Member of Congress need cast a vote. No Member of Congress need bestow a thought upon the plan. No Member of Congress need remain awake in his seat within these historical Halls in order for the plan to become law. If Congress sits in quietness and slumber, the plan will become law. In that event, Congress will not have legislated; the President will have legislated. Mr. President, the committee amendment clearly delegates legislative power. The Committee on the Judiciary and the Senator from Virginia are correct in their opinion that it does delegate legislative power to the President.

We have had some very interesting history upon this matter of reorganization. This afternoon I have referred to something which transpired in 1939 when a reorganization bill was before the Congress and was passed. The debate on that historic occasion, Mr. President, well merits the study of every man who raised his hand, as did I, and solemnly bound himself in accordance with the Constitution to follow the mandates of the Constitution. In the debate in 1939 the dis-

tinguished Senator from Montana [Mr. WHEELER], speaking on March 20, 1939, as shown at page 2966 of the CONGRESSIONAL RECORD which I hold in my hand, said the following:

Mr. President, I do not want to continue an argument when the Senator takes the position that in parliamentary government under our Constitution laws can be passed by negation. I just cannot follow that philosophy at all. It is absolutely contrary to every teaching I have ever heard or read of, and consequently, if that is the philosophy of the Senator from Florida I cannot agree with him.

Mr. President, I call the attention of the Senate this afternoon to the fact that the committee amendment and the Byrd amendment are identical in this respect. Each of them would permit a new law to be made effective and in full force without having the Congress give a moment's thought or take any action regarding the plan which would thus become law—a plan which perhaps would obliterate and annul legislation passed by the Congress over the period of a century. The only difference of any consequence between the committee amendment and the Byrd amendment is that under the Byrd amendment it would be more difficult to prevent the President's plan from becoming law than it would be under the committee amendment, for under the Byrd amendment the disapproval of both Houses is required in order to prevent the plan from becoming law, while the committee amendment requires the disapproval by only one House in order to prevent the plan from becoming law. Under either the committee amendment or the Byrd amendment, if Congress does nothing, goes to sleep, or goes home, the plan will become the law.

The additional difficulty which the Byrd amendment interposes in the way of those who might seek to prevent the President's plan from becoming law is strikingly illustrated by the fact that under the Byrd amendment, even if one House votes overwhelmingly to disapprove the President's reorganization plan, the plan will, nevertheless, be in full force and effect unless more than one-half of those voting in the other House of Congress shall vote to disapprove the President's plan. Mr. President, the Constitution intends that legislation shall be created only by having both Houses of Congress concur. If the Senate passes a bill which does not receive the approval of the House of Representatives, the bill will not become law. Section 1 of article I of that great document, the Constitution, provides that—

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

We do not have a unicameral arrangement under which the Senate alone can pass laws and the House of Representatives alone can pass laws. The Constitution requires the taking of favorable action by both Houses of Congress if legislation is to be enacted. Section 7 of article I of the Constitution, in referring to the necessity for the presentation of a bill to the President of the United States

for his signature before it shall become a law, describes such bills in the following language:

Every bill which shall have passed the House of Representatives and the Senate.

Only last month, Mr. President, the Judiciary Committee, composed of 17 lawyers, said on page 3 of its report that—

The basic legislative power, under the Constitution, is vested in the two Houses of the Congress. No new law can be passed, nor any existing law amended or repealed, without the assent of a majority in each of the two Houses.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. MORSE. I wish to have the Senator make a point perfectly clear. As I understand, under the Byrd amendment, if the President proposes a reorganization plan and if one House of Congress disapproves the plan, but if the other House of Congress approves it, nevertheless the plan will be law.

Mr. DONNELL. The Senator is correct.

Mr. MORSE. That is to say, under this delegation of legislative power it would be easier for the President to pass his legislation than it would be for a Member of this body to get one of his own bills passed.

Mr. DONNELL. Decidedly so.

Mr. MORSE. Speaking in terms of realism, which some of the proponents of the bill have mentioned on the floor of the Senate, I see some very great political dangers in the Byrd amendment. I am inclined to think that if the present political trends continue, it is quite possible that the Senator's party and my party may be in control of the House of Representatives in 1946.

Mr. DONNELL. That is a consummation devoutly to be desired.

Mr. MORSE. I agree. Therefore, under the Byrd amendment it would still be possible, with the approval of one House of Congress, to secure the passage of legislation to which a branch of the Congress controlled by the opposition party might be overwhelmingly opposed.

Mr. DONNELL. The Senator is exactly correct.

Mr. MORSE. I simply wish to say that I think the Senator is raising a very fundamental question as to whether Congress is going to exercise its constitutional obligation of passing all legislation which is to be binding upon the American people, or whether the Congress is to abdicate that function to the President. I believe that once the people understand the principle which is involved, they will answer that question, both in 1946 and in 1948 in favor of the position taken by the able Senator from Missouri.

Mr. DONNELL. I thank the Senator from Oregon, who with his characteristic clarity of thought has so intelligently and accurately analyzed the problem before us.

Mr. President, I have referred to the discussion which occurred in 1939 upon the Wheeler amendment. I find that on March 20, 1939, the Senator from Montana [Mr. WHEELER] spoke on this subject as follows—and I read from page 2965 of the CONGRESSIONAL RECORD:

Before legislation becomes effective under our Constitution, both branches must affirmatively approve it. It is not possible to legislate by negative vote under the Constitution of the United States.

However, Mr. President, in the event that Congress elects to give any consideration to a plan of reorganization which the President may transmit to it, instead of having the Congress sleep or remain in idleness or go home and thus allow the measure to become effective by inaction, as the Congress could do under the bill, the Byrd amendment would permit the President's plan to remain effective as law if there were mustered in favor of his plan as many as half of those voting in one House, even though the other House voted overwhelmingly against the President's plan.

Indeed the Byrd amendment not only would permit—as would the committee amendment—the President to legislate if Congress did nothing, but on the other hand if Congress decided to vote on a plan submitted by the President, the Byrd amendment would permit the President's plan to become effective as law if one House approved and one House failed to approve the plan.

Mr. President, the committee amendment and the Byrd amendment clearly delegate legislative power. Moreover, the Byrd amendment makes it more difficult to prevent the President's plan from becoming law than does the committee amendment. Even though we all realize the intrinsic importance of reorganization, I can well understand the mental process of Chief Justice Hughes when he enunciated the sentence to which I referred earlier in the afternoon in connection with the Panama Refining case. He said:

The question is not the intrinsic importance of the particular statute before us, but of the constitutional processes of legislation which are an essential part of our system of government.

Mr. President, while I am referring to the Panama Refining case I wish to invite attention to one sentence of the decision in that case at page 421. After speaking of what we lawyers have understood that Congress had a right to do with respect to adapting legislation to complex conditions involving a host of ills, the Court said, through the lips of Chief Justice Hughes:

But the constant recognition of the necessity and validity of such provisions, and the wide range of administrative authority which has been developed by means of them, cannot be allowed to obscure the limitations of the authority to delegate if our constitutional system is to be maintained.

What Senator would rise on this floor today and undertake to say that our constitutional system should not be maintained?

Mr. President, I have said that the committee amendment and the Byrd amendment merely delegate legislative power. I submit as the next proposition that there is no right or power in Congress to delegate legislative power. So far I have discussed only the fact that it does, by the committee amendment and by the Byrd amendment, try to delegate legislative power. What about

the right to do so? What power does Congress have to do so? First, what does the Constitution say touching the right of Congress to delegate legislative power to the President or to anyone else? Let us figuratively call to the witness stand this afternoon the framers of the Constitution of the United States who sat in convention a century and a half ago and drafted that immortal document? I have already quoted section 1, of article I, which reads:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Were those venerable figures of history to be produced upon the witness stand this afternoon, is there a Senator who would undertake to question that they would agree together that the Congress cannot delegate legislative power? Nowhere does the Constitution, either expressly or impliedly, grant to Congress the power to delegate to anyone—the President or anyone else—legislative powers. The absence of such grant is conclusive to the effect that Congress may not legally delegate any of its legislative power.

In *Dorr v. United States* (195 U. S. 138, at p. 140), the Supreme Court of the United States said as follows:

It may be regarded as settled that the Constitution of the United States is the only source of power authorizing action by any branch of the Federal Government.

And so the witnesses upon the stand this afternoon, members of the Constitutional Convention who framed the Constitution of the United States, undertook to say by their solemn declaration in that document, and affirm the fact that Congress has no power, no matter how much it may wish to do so, to delegate legislative power.

Let us produce a few more witnesses. What have Members of the Senate of the United States said concerning the question as to whether Congress has the right to delegate legislative power? Allow me to read a few sentences from remarks made by the senior Senator from Montana [Mr. WHEELER] in this body on March 20, 1939.

Legislation delegating legislative powers to the President is unconstitutional. And that is what we are doing—delegating to the executive branch of the Government the power to abolish functions of office and repeal laws, and then say that if one branch of the Congress approves the President's action and the other branch does not, it shall become the law. What lawyer upon the floor of the Senate will rise in his place and say that that would be constitutional?

Later on the same day the senior Senator from Montana said with regard to the proposed legislation:

I submit that it is unconstitutional and is contrary to every fundamental principle of American government.

There is a distinguished Member of this body, who, I am sorry, is not present in the Chamber today, whose words all other Members of the Senate listen to with attention and respect. I refer to the senior Senator from Georgia [Mr. GEORGE], strong, vigorous, powerful, experienced, and conservative. On the

same day, March 20, 1939, on which the senior Senator from Montana spoke, the senior Senator from Georgia also spoke. I can picture the distinguished Senator as he rose and said with chasteness and dignity of diction:

There is no support for the contention that Congress may delegate legislative power. It may not do so. The single test of the validity of the act of Congress, when that question is involved, is whether Congress has undertaken to delegate legislative power, or merely the power to apply the legislative formula that may at least theoretically be exactly applied.

A little later the Senator from Georgia said:

But it is a confused statement to say that the Congress may delegate legislative power. It may not do so.

Incidentally, Mr. President, it may be noted that the distinguished senior Senator from Georgia demonstrated, which he need not have done for we all recognize it, his integrity of statement by voting twice for the Wheeler amendment, namely, the amendment which the Senator from Virginia has criticized as having been similar to the amendment offered by me, and which, in fact, is to the same effect as is my amendment.

Mr. President, there is another distinguished Member of this body whose name I shall presently utter, and whom I wish were present in the chamber this afternoon. We all respect him for his ability, scintillating and powerful as it is, challenging the admiration and attention of this body whenever he rises on the floor. I refer to the senior Senator from Maryland [Mr. TYDINGS]. I now put him upon the witness stand, following those members of the Constitutional Convention who framed the Constitution, and the senior Senator from Montana [Mr. WHEELER] and the senior Senator from Georgia [Mr. GEORGE], each making the dignified and powerful expressions to which I have referred. We now hear the senior Senator from Maryland as he expressed himself on the same day as that on which the other Senators spoke:

Mr. President, ours is a democracy. Let us quit talking about democracy unless the legislative branch of our Government is going to pass the legislation. There is no use beating our breasts about democracy and in a time when there is no stress, when there is no real emergency, handing over unlimited power to the executive branch of the Government, which, under our Constitution, has no right to legislate in behalf of Congress.

Allow me to quote further, Mr. President, from the senior Senator from Maryland. On the next day following the one on which he made the statement which I have just read, the following colloquy occurred between him and former Senator Gillette:

Mr. TYDINGS. Congress fails to take any action, and a period of 10 days elapses. Then the President's order becomes law, as I understand. Is that correct?

Mr. GILLETTE. A period of 60 days.

Mr. TYDINGS. A period of 60 days. Is that correct?

Mr. GILLETTE. Unless the Congress has acted under the powers reserved to it in the law.

Mr. TYDINGS. Congress fails to act. Then the President's order becomes the law of the land.

Then the Senator from Maryland asked this significant question:

Where do we find in the acts of Congress an instance in which a former act of Congress has been repealed in that fashion? May the Executive be given authority to repeal acts of Congress by the passage of a law authorizing him to do so?

Then he says:

I am asking for information, because frankly, without any discussion, I believe that if we give the President that much authority we violate the limitations on the delegation of legislative power, which must have a top and a bottom. We give the President authority, in effect, to repeal an act of Congress; and the citizen can find no law in all the statute books in which the act creating the Interstate Commerce Commission has been revised, altered, or repealed.

I think that is a true statement of the case. I should like to hear the Senator say whether or not he believes the failure of Congress to take action, thus permitting the President's recommendation to become a law, would be good law; in other words, that the President could abolish a department by Executive order because the Congress had failed to act.

Mr. HICKENLOOPER. Mr. President, will the Senator from Missouri yield?

Mr. DONNELL. I yield.

Mr. HICKENLOOPER. I was out of the Chamber for a few moments, but I have followed the Senator's discussion very carefully and with much interest, and I wonder if in my absence he discussed the question of whether or not under the Constitution Congress could delegate to the President the right to alter, change, or modify the revenue laws of the Nation, for instance, or such part of them as he might see fit to change, and have his alteration become the law of the land if Congress failed to act. I should be interested in hearing the Senator's discussion of that feature as applied to some rather far-reaching existing laws, because, at least at this moment, it seems to me to have a very pertinent bearing upon the whole discussion in which the Senator is engaging.

Mr. DONNELL. I greatly appreciate the very intelligent question asked by the Senator from Iowa. I have not specifically mentioned the matter of revenue laws, but the whole tenor of my argument has been to the effect that there is no power in Congress to delegate to the President legislative power on any subject—revenue, reorganization, or anything else.

Let me at this moment recall the very appropriate remark of the late Senator Adams of Colorado, a Democrat, speaking of the reorganization measure pending on March 20, 1939, when he said:

We cannot delegate the power to pass legislation. There is no way in which we can do that. Bills which we pass, conferring powers upon the Executive, are sustained only when we lay down the rule that is to be implied.

I call the attention of the Senator to this concluding sentence of the remarks of the late Senator Adams:

We cannot validly delegate the power to reorganize, any more than we can delegate to the President the taxing power.

Mr. HICKENLOOPER. Mr. President, I had no special interest in the revenue laws or any other particular laws; I merely used them as an illustration. I think that what would apply to the revenue laws would apply with equal force to any other broad field of law, interstate commerce law, or any other broad legislation which Congress has seen fit to act upon.

Mr. DONNELL. I thoroughly agree with the Senator from Iowa, and thank him for his contribution.

Does the Senator from Oregon desire to be heard?

Mr. CORDON. The distinguished Senator from Missouri is a mind reader. I was just thinking that I might inquire of the Senator from Missouri whether any consideration has been given to the anomaly with which we are faced in the Byrd amendment. We legislate in the bill, and we either do or we do not delegate legislative power to the President. Assuming it is legislative power, of course we could not do that. Assuming it is administrative power, and made administrative by virtue of the application specifically of certain standards, in either event there is legislation, and then by the Byrd amendment we do the still more unusual thing of giving to the Congress the power to repeal that legislation by a concurrent resolution, which can have no effect whatever as law.

Mr. DONNELL. I thank the Senator. May we listen for a moment now, Mr. President, to the words of former Senator King, of Utah, as he spoke in the debate of 6 years ago. But before passing to what Senator King said, I may say, with respect to the inquiry made by the distinguished senior Senator from Oregon, that, in my judgment, Congress has within it the power to delegate certain administrative functions, provided there are set forth definite, clear, unmistakable standards. I shall in a few moments discuss whether or not there are such standards in the legislative proposal before us which we are expected to pass upon.

Mr. CORDON. If the Senator will yield further, the Senator does agree with me, however, I take it, that the Congress is certainly without the power to repeal a law by a concurrent resolution, which is in effect what the Byrd amendment sets up as the next step in case a reorganization plan shall be submitted.

Mr. DONNELL. I agree that a law cannot be repealed by a concurrent resolution.

Mr. CORDON. Yet that is what the Byrd amendment seeks, is it not?

Mr. DONNELL. I shall undertake to discuss that phase of the amendment a little later, if I may.

May we listen now to the words of former Senator King, of Utah, when he first quotes article I, section 1, of the Constitution, and then quotes another section, namely, article II, section 3, which reads as follows:

He—

The President—

shall from time to time give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient.

Continuing, the former Senator from Utah said:

Mr. President, he—

That is to say, the President of the United States—

is not given any legislative authority. He may make recommendations to the Congress, but he may not enact laws nor be the recipient of delegated authority which would authorize him to repeal, modify, or consolidate statutes.

In these two articles of the Constitution—the first dealing with the legislative power and the second dealing with the executive power—we find too clear for argument that the Chief Executive, the President, may recommend to the Congress and that the Congress shall legislate.

I call special attention to this statement by former Senator King:

These two articles do not provide, as the Senators who reported this bill apparently would have us and the country believe, that the President may legislate and report to the Congress, which cannot undo what he has done except by a concurrent resolution requiring a majority vote of both Houses. If the power to legislate concerning what agencies of Government there shall be; where they shall be located; whether in the War Department or in the Navy Department, or in the Department of Commerce, or in the Department of Agriculture, or in some one or more of the dozens of Government-owned corporations is not a "legislative power in the highest sense," then I must admit that my study of the Constitution has been utterly wasted. How can any lawyer, knowing the history of despotic power in the hands of kings and potentates, argue that there is any authority in the Constitution or in the decisions of the Supreme Court of the United States for what is here proposed passed by understanding—unless, indeed, they have joined the ranks of those who suggest that our Constitution is outmoded and unequal to the tasks before the Nation; and that, in fact, the Congress is so impotent that it cannot legislate. That argument has been made in recent years in Italy, Germany, and Russia. Are we to ignore and disregard the terms of the Constitution at the same time that we are preaching to the nations of the world to observe the fundamental rights of men? The fundamental rights of men, of Americans, are involved in the proposed legislation—the rights of our constituents, who must deal with the various agencies of the Federal Government which the bill purports to authorize the President to shuffle as he may deem proper.

It may be noted that the distinguished late Senator from Colorado, Senator Adams, and former Senator King, of Utah, were numbered among those who voted for the Wheeler amendment along with the Senator from Virginia, who did likewise.

So, Mr. President, we have considered some testimony on the question whether Congress has the right to delegate legislative power to the President or to anyone else. We have considered what the framers of the Constitution would testify. We have considered what Senators of the United States have testified. And, incidentally, I believe every Senator whose name I have mentioned was upon the other side of the aisle from that upon which I stand today.

Let me conclude this list of witnesses by calling on the courts themselves so that we may see what they have said as to whether Congress has the right to del-

delegate legislative power to the President or to anyone else.

Mr. Justice Harlan, in *Field v. Clark* (143 U. S. 649, p. 3088), said:

That Congress cannot delegate legislative power to the President is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution.

This language of Justice Harlan was quoted with approval in the case of the *Panama Company* (293 U. S. 425), in the year 1935.

In *O'Neal v. United States* (140 Fed. (2d), p. 912) the Circuit Court of Appeals for the Sixth Circuit said—and I think I am correct in saying that the opinion was rendered by a distinguished woman judge, Judge Florence Allen, who spoke the unanimous sentiments, as I recall, of the court:

In carrying out the constitutional division of the powers, it is a breach of the fundamental law for Congress to transfer its legislative power to the President.

So, Mr. President, I submit that the testimony is clear, convincing, and unanswerable upon the proposition that this legislative power, which the Judiciary Committee concedes is delegated, and which the distinguished Senator from Virginia gives it as his opinion is delegated, cannot under the Constitution of the United States be legally delegated to the President or to anyone else.

Then, Mr. President, what is the basis on which it is sought here on the floor to attempt to sustain the committee amendment and which I assume will be used as the basis on which to attempt to sustain the Byrd amendment? The only possible contention by which to attempt to sustain the constitutionality of either the committee amendment or the Byrd amendment is the contention to which reference has been made, and which was so skilfully and courteously presented by the Senator from Utah [Mr. MURDOCK] the other day, namely, the contention that the bill itself sets up standards to be followed by the President, that those standards are such that Congress is in fact guiding the hand of the President as he moves, that he is therefore not exercising an unfettered discretion but is constantly bound by congressional limitations thrown about him and that consequently Congress has not delegated its legislative power but is merely directing him to pursue a course which Congress has already charted for him. This is in effect the position taken by the Senator from Utah [Mr. MURDOCK].

Mr. President, the answer to the contention is obvious and lies in the nature of the so-called standards set up by the bill. They are broad, vague, and lacking in preciseness and definiteness. The President is to determine what changes are necessary to produce seven specified results. He is restricted by certain limitations of time as to how long an agency or function may be continued, by the provision that his plan may not authorize any agency to exercise a function which is not expressly authorized by law, by provisions preventing him from destroying executive departments—by which I understand is meant such departments as the Department of State or War and, by the provision that

the reorganization shall not divest any quasi-judicial agency of the means, right, or power to exercise specified independent judgment and discretion. These are negative restrictions.

The results, however, some one of which—and I call attention to the fact that it is "some one of which," not all of which—in order to authorize the President to prepare a reorganization plan, he is required to find in the transfer, consolidation, coordination, or abolition of functions or agencies, and so forth, are necessary or desirable to accomplish, are the seven which are set forth in section 1 of the bill.

Those seven results are broad, vague, and lacking in preciseness and definiteness. The first of them is the facilitation of orderly transition from war to peace. Certainly it is unreasonable to contend that so vague a purpose as the facilitation of orderly transition from war to peace sets out a standard of such preciseness and definiteness that in following it as a guide the President would be traveling along a course charted for him by Congress and merely performing duties defined and legislated for him by Congress.

The remarks of the Supreme Court with respect to the legislative undertaking under discussion in the case of *Schechter Corporation v. United States* (295 U. S., 1 ch. 541), are appropriate with respect to the reorganization undertaking set forth in the bill now before the Senate for its consideration. Said the court in the *Schechter* case:

For that legislative undertaking, section 3 sets up no standards, aside from the statement of the general aims of rehabilitation, correction, and expansion described in section 1. In view of the scope of that broad declaration, and of the nature of the few restrictions that are imposed, the discretion of the President in approving or prescribing codes, and thus enacting laws for the government of trade and industry throughout the country, is virtually unfettered. We think that the code-making authority thus conferred is an unconstitutional delegation of legislative power.

The language, Mr. President, which I just quoted, is that of the distinguished former Chief Justice Hughes.

It is true that it is possible for Congress to confer certain authority or discretion as to the execution of law, "to be exercised under and in pursuance of the law." In the *Field* case the Supreme Court of the United States quotes Judge Ranney, speaking for the Supreme Court of Ohio, as saying that the true distinction—

is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first cannot be done; to the latter no valid objection can be made.

The proper distinction, the Court said, was this:

The legislature cannot delegate its power to make a law, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend.

The following remarks by former Senator King, of Utah, referring to the 1939 reorganization bill, are appropriate concerning the contention that in the pend-

ing bill there are prescribed standards of such quality as to prevent the bill from constituting a delegation of legislative power. Said former Senator King on March 22, 1939:

The bill prescribes no standard with any degree of definiteness. The President is not left with the sole duty of ascertaining a fact and issuing a proclamation to fit in a category named in the law. On the contrary, it is freely admitted by the proponents of the bill that the President is being given the duty of reorganizing the administrative agencies because the Congress cannot legislate, as they say.

I digress to say how familiar that language sounds in view of the fact that that was the argument made by the distinguished Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. HATCH], and I think possibly to some extent by the distinguished Senator from Utah [Mr. MURDOCK] a few days ago. I quote again from former Senator King:

On the contrary, it is freely admitted by the proponents of the bill that the President is being given the duty of reorganizing the administrative agencies because the Congress cannot legislate, as they say, and he is to use his own discretion as to the agencies he will reorganize and the ones he will not reorganize, except with respect to the agencies exempted in the bill.

I digress again to call attention to the fact that that is the situation we have here under the bill and under the Byrd amendment. Former Senator King continued:

Such broad discretion not only fails to bring the bill within the rules stated in the cases I have mentioned, but, on the contrary, such broad and uncontrolled discretion brings the bill squarely within the terms of the *Panama Refining Co. case* (293 U. S. 388) and the unanimous opinion of the same Court in the *Schechter case* (295 U. S. 495, 555). In both these cases, acts of Congress were held unconstitutional because of the broad delegation of legislative power to the Executive; but even in those cases the delegation did not attempt to give the President power to remake, redistribute, and reorganize the entire administrative machinery of the Federal Government which had grown up under specific statutes of the United States since the first Congress in 1789.

A few days ago the distinguished Senator from Utah [Mr. MURDOCK] called attention to the case of *Isbrandtsen-Moller Company v. United States* (14 Fed. Supp. 407, 412, S. C.; 300 U. S. 139), and to the fact that that case passed on the sufficiency of the standards set up in the 1932 Reorganization Act, and held that they were within the Constitution. That act, by the way, gave to the President the right, when he found those standards, to issue the regulation—not to send it back to Congress, but to issue the regulation himself. The Senator from Utah further called attention to the fact that the *Isbrandtsen-Moller Co. case* went to the Supreme Court of the United States, but due to the fact that the question had become moot in the meantime, the Supreme Court did not decide it.

I call attention also to the fact that the *Isbrandtsen-Moller Co. case* was followed with approval in the case of *Swayne and Hoyt v. United States* (1936 American Maritime Cases 1790) before

a three-judge United States District Court for the District of Columbia, approximately 2 months after the decision in the Isbrandtsen-Moller Co. case. But I call attention to these further significant facts:

First, both of those cases were district court cases; and, as previously noted in connection with the Isbrandtsen-Moller case—and it was equally true in the other case—the decision of the court was not reviewed in the Supreme Court.

In the second place, in the Isbrandtsen-Moller case, curiously enough, the court based its decision on the Schechter case and the Panama case, with only a sentence or two—at any rate, a very brief comment.

It will be observed that each of those cases declared, not constitutional, but unconstitutional, certain provisions before the court for consideration. It is very difficult to see how either of those cases can be authoritative to the effect that the 1932 Reorganization Act was constitutional. Certainly the most that could be said would be that some language in the cases might be considered dicta to that effect. I know of no language in either of the decisions of the Supreme Court which could be considered dicta supporting the action of the two district courts.

I call attention to another very interesting fact. Though the court in the Isbrandtsen-Moller case sustained the standards and the delegation of authority to the President, the fact that the contention to the contrary, namely, the contention which I make here today, is worthy of most serious consideration, is indicated by the fact that that contention was presented by a law firm two members of which were, first, Frank L. Polk, Acting Secretary of State of the United States from December 4, 1918, to July 18, 1919, and head of the American delegation to the Peace Conference at Paris, July 28, 1919, to December 9, 1919; second, John W. Davis, Solicitor General of the United States from 1913 to 1918, president of the American Bar Association in 1922, Ambassador to Great Britain from 1918 to 1921, and Democratic nominee for the Presidency in 1924. The contention of that law firm was that there was no "adequate declaration of policy or standard of action" in the Executive Department Reorganization Act of 1932 to make it valid. My recollection is that that language appears in the brief filed with the official reports.

Moreover, it was asserted the other day by the Senator from Utah that anyone who will take the time to compare the standards set up in the 1932 act with the standards proposed to be set up by the pending bill cannot help but agree that the standards proposed to be set up by the pending bill are so much more specific and particular than were the standards set up in the 1932 act that there can be no question about the constitutionality of the bill which we are now considering.

Mr. President, if the standards in the bill which is now before the Senate are so much more specific and particular than were the standards in the 1932 act, I am unable to understand how any mind

could possibly have sustained the act of 1932. But the fact is that I have examined the standards set up in the 1932 act, and I do not find in the bill now before us the additional specific and particular standards to which the Senator alludes. In fact, the standards provided in the pending bill are substantially the same as those in the 1932 act—and I have the 1932 act before me—except that one of the 1932 standards is omitted in the pending bill, and two others are added, one relating to economy and efficiency and the other to the facilitation of orderly transition from war to peace.

Mr. President, the addition of the facilitation of orderly transition from war to peace causes the 1945 bill to be even weaker from a constitutional standpoint than was the 1932 act, because, first, the standard of facilitation of orderly transition from war to peace is certainly highly vague, indefinite, and uncertain.

Suppose one of us had to reorganize the Government, and were to read the statute enacted by Congress and find that all he had to do was to reorganize it in such a way as to facilitate the orderly transition from war to peace. How could he tell which departments should be reorganized? How could he tell what functions should be abolished? How could he tell what departments to transfer, consolidate, abolish, tone up, or tone down? No human being could read that language and determine what he should do.

The facilitation of the orderly transition from war to peace is cited as one of the results which are said to make the bill a more constitutional measure than the 1932 act. In the first place, I never heard of degrees of constitutionality. I think I should say, in fairness to the Senator from Utah, that he has made no statement to the effect that there can be degrees of constitutionality. However, there can be degrees of weakness and of strength. As I see it, the bill of 1945 is weaker from the constitutionality standpoint than the 1932 act, for the further reason that not only is the standard of facilitation of orderly transition from war to peace vague, indefinite, and uncertain, but remember that the President, in order to become subject to the direction to prepare a reorganization plan, is required only to find that a transfer, consolidation, or abolition is necessary to accomplish, not all seven of the standards, but one or more. Therefore, under the provisions of the 1945 bill the President could select this vague, indefinite, and uncertain standard of facilitation of orderly transition from war to peace as the standard under which to act.

I again call attention to how unfettered the President is by a requirement that as a condition precedent to forming his reorganization plan he need only find that it will "facilitate an orderly transition from war to peace."

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. MURDOCK. I dislike to disturb the Senator, but it seems to me that he is confusing the purposes to be accomplished with the standards set up in the bill.

Mr. DONNELL. The purposes to be accomplished are the standards set up in the bill.

Mr. MURDOCK. Certainly the Senator does not take the position that the purposes constitute the standards within which the President must act.

Mr. DONNELL. There are no other standards set forth in the bill. As I have indicated, there are restrictions as to time, and as to the functions that may not be reorganized, but there is no standard from one end of the bill to the other, except those set forth in section 1, unless the Senator considers the restrictions as standards. The bill prescribes that whenever the President, after investigation, finds that the transfer, consolidation, and so forth, to which reference is made in section 3 is necessary or desirable to accomplish one or more of the purposes of section 1 (a)—which are the seven results or standards to which I have referred—he shall prepare a reorganization plan. There is no standard, unless either these negative restrictions or the positive results which are set forth in section 1 are considered as standards.

Does the Senator desire further comment?

Mr. MURDOCK. I simply wish to say that I certainly cannot agree with the Senator in his statement that the purposes of the bill are the standards set up, within which the President may act.

Mr. DONNELL. May I ask the Senator in what section he finds the standards?

Mr. MURDOCK. We are simply in disagreement on that point.

Mr. DONNELL. May I ask the Senator if he will be kind enough to tell us where in the bill there are any standards other than those provided in section 1, or the negative restrictions to which I have referred?

Mr. MURDOCK. All I wish to do is to call the attention of the Senator to section 2 and section 3 of the bill, which in my opinion set up very definite and specific standards prohibiting the President from acting except in a certain way to accomplish one of the purposes, or more than one, or all the purposes set forth in section 1.

Mr. DONNELL. Taking up the two sections to which the Senator has referred, section 3 and section 2, certainly section 3 cannot be considered as setting up standards. Nothing of any such nature, kind, or description is mentioned in section 3. Section 3 merely prescribes that whenever the President finds, after investigation, that the transfers, consolidations, coordinations, abolitions, and so forth are necessary or desirable to accomplish one or more of the purposes of section 1 (a), he shall prepare a reorganization plan. No standard is set up in section 3, from one end of it to the other, so far as I can find.

So far as section 2 is concerned, it contains the negative restriction to which I have repeatedly referred, with respect to the continuance of an agency beyond a particular time, the creation of a function not expressly authorized by law, the abolition of executive departments, such as the War Department or the Navy Department, and the divestiture of a

quasi-judicial agency of the means, right, or power to exercise independent judgment and discretion. Other than these negative restrictions, the only standards in the bill, from alpha to omega, are those set forth in section 1 (a), which is corroborated by section 3 (a), which says that whenever the President finds that the transfers, consolidations, and so forth, are necessary or desirable to accomplish one or more of the purposes of section 1 (a), he shall prepare a reorganization plan. There can be no doubt that the standards of the bill, other than the negative restrictions, are the affirmative ones set forth in section 1, and the President is required to find only that the various transfers are necessary or desirable in order to accomplish one or more of the results sought to be attained. He himself can select any one of them. If he finds that the transfers are necessary or desirable to accomplish one—as, for example, the facilitation of the orderly transition from war to peace—he is justified and, in fact, directed by the bill to prepare a plan of reorganization.

Mr. President, I have heard a number of Senators, particularly, one I have in mind at the moment, discuss the predicament in which some find themselves, on the one hand, in view of the fact that the Constitution prescribes one thing, and, on the other hand, in view of the appropriate and proper respect they have for the Senator from Virginia and his knowledge of agencies of the Government and the conclusion which they might draw from what he said as to the practical difficulty of accomplishing reorganization, if it be not done by Executive action. Mr. President, I appreciate that position, but I understand it only in its language. I cannot subscribe to the doctrine that we should allow a practical problem as to how we are to accomplish a reorganization to cause those of us who believe that the measure is unconstitutional to vote for it, nevertheless.

Mr. President, in compliance with article 6 of the Constitution of the United States, I held up my hand, as did you, and bound myself by either oath or affirmation—in my own case, by oath—to support the Constitution. I find that in my judgment the bill is unconstitutional, I cannot vote for it, even though the reorganization cannot be accomplished by any means other than a violation of the Constitution.

But I am not prepared by any manner of means, Mr. President, to concede that our Government has broken down, that our Constitution cannot be complied with. I am one of those who believe that the Constitution still exists in full glory, and power and practicability. If I be wrong as to that, the method is clear by which the people themselves can cure the defect. An amendment to the Constitution can be adopted, as the first President of the United States pointed out in the address I quoted the other day.

Mr. President, again let me say that the first President of the United States cautioned against usurpation of powers and against any means of transferring from one department the powers of another, unconstitutionality. I may add to

that an admonition of equal importance which could well and appropriately be made against having any branch of the Government undertake to abdicate, as the Senator from Oregon so aptly expressed it, not merely its constitutional powers but its constitutional duties.

Now I address myself to the argument made by the Senator from Virginia and the Senator from New Mexico that reorganization will be prevented by the adoption of my amendment. I believe I am correct in understanding that the Senator from Utah likewise made a similar argument, or at least that he shares that general view. I may say that the Senator from New Mexico said, the other day, as shown at page 10748, of the CONGRESSIONAL RECORD:

Mr. President, I am not concerned about the technical question of delegation of legislative authority. I have read a number of Supreme Court decisions on that subject. Frankly, I am a little confused about when legislative authority is delegated and when it is not, and I think the courts sometimes become a little confused.

We note that the Senator from New Mexico there said:

I am not concerned about the technical question of delegation of legislative authority.

Mr. President, I should like to mention, in contrast, the attitude of the Supreme Court of the United States as to its concern on that subject. From the Panama case, I call attention to page 432, where we find the following short, succinct sentence of Chief Justice Hughes:

To repeat, we are concerned with the question of the delegation of legislative power.

Although the Senator from New Mexico exhibits no concern, as he says, about the technical question of delegation of legislative power, I undertake to say that this question cannot be brushed off on the theory, as the Senator put it on the next page, that the question of Constitutional construction is a gnat. He said:

We strain today at the gnat of constitutional construction, but we swallow the camel of overloaded, over duplicated, inefficient, wasteful, and extravagant bureaus in the executive branch of government. I do not wish to keep on straining at gnats and swallowing camels.

In the case of the NIRA, Mr. President, it might have been better if the Congress of the United States had strained at what the Senator from New Mexico calls a gnat. The Supreme Court of the United States did not call it a gnat. It called it unconstitutional to pass that type of legislation, and it declared the legislation null and void.

But what about the argument that reorganization will be prevented by the adoption of my amendment, which provides that before the reorganization plan shall go into effect, both Houses of Congress shall pass and the President shall sign a joint resolution approving the plan? The President would sign the joint resolution, just as he would sign any bill. There is no showing whatsoever that the reorganization would be killed in that event. I quote again the distinguished Senator from Maryland [Mr. TYDINGS], who on March 20, 1939, rose on the floor of the Senate and said:

Oh, I know the argument. It is said, "You cannot write a plan to reorganize the Government to which the House and Senate will agree." Who said that? Who can produce any proof to support that point or view? That is a mere supposition. I believe the Congress can write a plan, and I believe if that were done and the plan were presented to both Houses of Congress it could be adopted and would go to the Chief Executive, who would perform his regular function of approving or disapproving the plan.

Then, continuing with the power and vigor which are familiar to us, the Senator from Maryland said:

Have we not gone far enough in handing over power to the executive branch of the Government? Many powers had to be handed over, perhaps. There may be just argument to support what has been done; but why hand this power over? Where is the emergency? There is no emergency. If we hand this power over, if we pass the bill, we simply write on the statute books of our country that the legislative branch of the Government is incompetent to legislate.

Along similar lines Senator King, of Utah, said, at page 3089:

Important legislative power is sought to be conferred upon the President by the terms of this measure, the argument being, as I understand, that reorganization can thereby be more quickly secured than by congressional legislation. In other words, it is contended that by the abdication of its power by Congress—

The Senator from Oregon also used that term this afternoon—

the President may perform legislative functions and execute those powers with greater speed than can a body of 96 Senators and more than 400 Representatives. I am unwilling to support that view, or to confess that the Congress of the United States is incompetent to discharge a duty imposed upon it by the Constitution of the United States.

A few minutes ago one of the distinguished Members of this body was sitting in his chair on the floor of the Senate. I believe he is the only Member of the Senate on our side of the aisle whom I have quoted this afternoon. I refer to the senior Senator from Ohio [Mr. TAFT], for whose profound knowledge, judgment, and constant fidelity to duty I have the highest admiration. A few days ago he said, when speaking on this very floor:

But I see no reason why reorganization cannot be brought about in the same way that other measures of a legislative character are effected. Why should not the President study the matter, present a plan to the Congress, and let Congress determine the method by which the plan shall be adopted?

Mr. President, suppose the desired reorganization cannot be accomplished by means of congressional action—a concession which I am not at all prepared to make. Let me quote again, I believe, from Washington's Farewell Address:

But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can, at any time, yield.

What about the argument of the Senator from New Mexico that the President can now do all that the bill with my amendment would permit, and

that the adoption of my amendment will nullify the bill. I desire now to say that it is true that my amendment will nullify the part of the bill which is unconstitutional. I wish to say further to the distinguished Senator from New Mexico that I make that statement without apology. He was of the opinion, because of some language I used, that I was apologetic in presenting my constitutional views. I am proud to stand on the floor of the Senate and undertake to outline what I think are the correct constitutional views.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. MORSE. I merely wish to make a suggestion in connection with the remarks which the Senator from Missouri has just made. The question is whether or not the country can look to the Congress to fulfill its legislative duties and obligations under the amendment proposed by the Senator from Missouri.

It seems to me that in connection with the pending bill, as in connection with so many of the controversies which arise in the Senate these days, there is the very fundamental issue of whether or not we are going to retain in this country a three-branch system of government, with each branch performing its functions under the Constitution under our check-and-balance system, or whether we are going to continue down the road of giving more and more legislative power to the executive branch of government. I think the fundamental political issue which confronts the people of this country today is executive versus representative government.

In that connection I wish to point out that it is a quite different thing for Congress to pass in review upon a reorganization plan of the President affirmatively, and quite another thing for Congress to permit that plan to go into effect without the action of Congress.

I happen to be one who believes that the Congress must take unto itself more checking control over the executive branch of government so far as administrative agencies are concerned. I think it is in the interest of better government to make certain, under such an amendment as that which has been proposed by the Senator from Missouri, that when the President seeks to reorganize any particular commission, department, or agency of government we should be fully aware of the import and implications of such reorganization. I believe that if the Congress had courage enough to vote itself the funds which it needs in order to check upon the administrative agencies of the Government, a great many of the administrative abuses which are now practiced by agencies of the Government would automatically cease.

I am opposed to the pending bill in its present form because, as I see it, it represents simply another case of Congress giving up more and more control over the administrative agencies of Government when it should be exercising greater and greater control. We should certainly say to the President of the United States, when he seeks to reorganize any particular department or commission of the Government, "We will go

along with the reorganization if on the merits you can demonstrate to us that the particular reorganization which you request will be in the interest of better government."

I believe that a review with scrutiny of the administrative agencies of Government would result in a more efficient administration of the entire Federal Government from top to bottom.

Mr. President, I do not propose to vote for the bill in its present form, not only because I believe it will result in Congress exercising less control over the administrative agencies of Government than it exercises now, but I do not propose to vote for it for another reason which I will discuss at greater length at another time. I believe that it would weaken the prestige, functions, and obligations of the Congress by giving to the President, through legislation, the power to reorganize the executive branch of the Government and then limiting Members of this body in debate on the subject of the reorganization.

I believe that Members of the Senate know that so long as I am in the Senate, as I served notice several months ago when the Members on the other side of the Chamber wished to exercise a restraint of freedom on debate in this body which I believed to be dangerous in its precedential form, I will never grant unanimous consent in connection with limitation of debate. I will not vote for legislation which seeks to weaken what I consider to be the greatest ultimate strength of the Senate of the United States, namely, protecting the people of this country from Executive tyranny. I shall never willingly permit a limitation upon free debate of the merits of any issue which may come before the Senate. Whenever it can be demonstrated to me that a filibuster is in progress, which is a debate not on the merits of an issue, I shall give very serious consideration to signing a petition for cloture.

Mr. DONNELL. Which is what I believe the Senator did in connection with another bill which was once before the Senate.

Mr. MORSE. I did so in connection with the consideration of the FEPC bill.

Mr. DONNELL. Yes.

I think the pending bill constitutes a delegation of legislative power with no reasonable standards provided for debate upon the subject. As I said earlier in the afternoon, the bill constitutes an abdication of legislative function and obligation of the Senate. I believe it is also an attempt to weaken the control of this body over the final legislative verdict at which it may arrive. I believe that the control of this body will be weakened by the limitation of debate which is sought to be imposed, and I cannot vote for the bill in its present form.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. DONNELL. I yield, but I wish first to thank the Senator from Oregon [Mr. MORSE] for his very clear and valuable exposition of his views.

Mr. SMITH. As one of the members of the Judiciary Committee who voted to report the bill to the Senate in its

amended form, I wish to say that I agreed fully with the Senator from Missouri [Mr. DONNELL] and with the Senator from Oregon [Mr. MORSE] in the position taken by them when the issue came before the committee, and I thought that the bill should be reported in the form in which it would have been had the amendment, now offered by the Senator from Missouri, been accepted in committee. I believe that before a plan for reorganization is put into effect it should have the affirmative action of both Houses of Congress. I objected in committee to the type of amendment offered by the Senator from Virginia [Mr. BYRD] because it seemed to me that such an amendment would permit one House of Congress and the President to enact legislation to which the other House might object.

I wish to ask the Senator from Missouri and the Senator from Oregon whether I understood them correctly to say that they object fundamentally to a bill such as the pending one which provides that after a period of 60 days the plan would become effective as law unless there had been a veto by one or both Houses of Congress. In other words, if I understand correctly, the Senator from Missouri and the Senator from Oregon object to the form in which the bill was reported to the Senate by the Judiciary Committee.

Mr. DONNELL. I will answer the Senator from New Jersey succinctly and accurately. I shall not vote for the bill unless it provides that in order for the plan to become effective it must receive the affirmative vote of both Houses of Congress as well as the signature of the President of the United States.

Mr. SMITH. May I ask the same question of the Senator from Oregon [Mr. MORSE]?

Mr. MORSE. I will state to the Senator from New Jersey that it is my position, without equivocation, that I will not only vote against the pending bill, but I will vote against any proposed legislation which could become law without the affirmative action of the Congress of the United States, and that means both Houses of the Congress of the United States.

Mr. SMITH. I thank the Senator from Missouri and the Senator from Oregon. I think it is important to have emphasis placed in the RECORD on this point.

Mr. DONNELL. I hope my statement was clear. I think the Senator from Oregon has possibly stated more accurately my position than I stated it. I repeat that I will not and can not, as I see my obligation, vote for this bill unless it shall receive the affirmative approval of both Houses of the Congress of the United States. Unless it shall contain a provision requiring that the plan shall not be put into effect unless and until the plan of reorganization shall have received the affirmative approval of both Houses of Congress, I will not vote for the bill.

Mr. SMITH. Will the Senator from Missouri yield for one more question?

Mr. DONNELL. I yield.

Mr. SMITH. I understand that the Senator takes the position which he has

repeated many times in the debate, namely, that the action of the President called for by this bill is legislative action and not Executive action.

Mr. DONNELL. The bill provides for a delegation of legislative power to the President. That is my opinion.

Mr. SMITH. I assume that the Senator will not object to the President presenting a proposal to reorganize the Government. The Senator makes the point that when a plan of reorganization is presented it is nothing more than a proposal, and that both Houses must be required to act affirmatively in order to make the proposal law.

Mr. DONNELL. The Senator has stated my position.

It has been stated in particular by the Senator from New Mexico who addressed himself to the subject, that the President can now do all that the bill with my amendment provides, and that my amendment would nullify the bill. In response to that statement I was saying just before the Senator from Oregon spoke, that it is true that my amendment does nullify the bill to the extent that the bill is unconstitutional. It affects that portion of the bill which, in my judgment, is unconstitutional, namely, section 4 (a) which provides that the reorganization specified in the plan shall take effect if nothing whatsoever is done by Congress.

However, Mr. President, the bill and the amendment which I have submitted do accomplish something, and I think a very important thing. The bill requires the President to investigate and make findings, and if they show a reorganization to be necessary or desirable to produce one or more of the results set forth in section 1 (a), it requires him to prepare a plan.

Mr. President, the requirement in the Constitution, article II, section 3, that the President shall from time to time give to the Congress information of the State of the Union, and recommend to their consideration such measures as he shall judge necessary and desirable, does not require him to recommend on all subjects, or at any particular time, but the bill selects the subject, and makes it obligatory that the President perform the duties set forth in the bill. To the extent that it requires the President to examine the subject and submit a plan, I think the bill serves a substantial and a good purpose.

The amendment which I have presented does not prevent the President from exercising leadership, but the leadership which it does not prevent him exercising is the leadership of the wholesome type, namely, the leadership of the type contemplated by the Constitution, that is, as I read from section 3, article II, that he "shall from time to time give to the Congress information of the State of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." This bill does not take that power away from him. Indeed, it makes it obligatory, as I have indicated, that he shall take up the specific subject and give us the benefit of his study and of his views by way of a plan. So I say that the plan which I have offered does

not prevent the President from exercising leadership.

As I indicated at the outset of my remarks this afternoon, there is no desire on my part to hinder or prevent a reorganization. I concur with the remarks of the Committee on the Judiciary that a reorganization of the executive branch is more imperative today than ever if we are to put this vast structure on a modern and workable basis and effect economy and simplification in its administration. I wish to say, however, that I am opposed to a reorganization which shall be brought about in an unconstitutional manner, and if I think the measure before the Senate is unconstitutional, I cannot vote for it.

Emphasis was placed strongly by the Senator from New Mexico upon the various exemptions set forth in the bill. I do not know just why he brought that out in connection with the discussion of my amendment, for I have had nothing to do with inserting any exemption in the bill. Indeed, when we had before us the only exemption I have heard voted upon, namely, the exemption of the Engineer Corps, proposed by the Overton amendment, I voted against it, and I did so largely upon the clear, cogent, and convincing argument of the Senator from Utah, who pointed out that to exempt that particular agency would be but a precedent which would cause other agencies to ask for like treatment by way of exemption.

Mr. President, I have presented here this afternoon as best I could the point that the bill in its present form is unconstitutional, but there is another point to which I shall address myself. I realize the lateness of the hour, but to my mind this matter is of such paramount importance that I am justified in asking the patience of the Senate to listen to the discussion of the second point, which is, that regardless of whether it be constitutional or unconstitutional, the negative method prescribed by the committee amendment, and that which is prescribed by the Byrd substitute, is opposed to sound public policy.

Mr. President, a procedure by which a measure may become law without any action on the measure being taken by Congress is clearly opposed, in my judgment, to sound public policy, regardless of the constitutionality of the procedure. The very statement of it indicates the soundness of my contention. Procedure by which a measure may become law without any action on it being taken by Congress enables law to be created without any thought whatever being devoted to it by Congress. As I have indicated before, under such procedure Members of Congress could be utterly inactive, they could sleep, or return to their constituencies back home, and then laws created by the President under this bill, setting aside, perhaps, statutes enacted by Congress a hundred years ago, would come into full force and effect. Certainly it is not sound public policy to enact a bill which would permit laws to be created without any thought whatever being devoted to them by the body to which the Constitution gives the exclusive lawmaking functions and power.

Furthermore, each exercise of such procedure as this is a precedent toward permitting other legislation to be created without thought or action by Congress. It may be said that in this instance we must have this particular procedure in order to bring about reorganization. That will be the argument we will hear on something else, "Yes, we must have another violation of the Constitution in order to pass some other legislation," and the fact that we shall have passed the bill now pending will be a strong, a cogent and convincing argument to many of our successors in office as to the importance, the desirability, and propriety of passing other legislation which is likewise vitiated by the delegation of legislative power therein contained.

Furthermore, Mr. President, can it be doubted that there is less feeling of responsibility by Congress in merely having a power to disapprove a measure proposed by someone else which will go into effect if nothing is done, than if Congress has the responsibility on its shoulders to find affirmatively that the measure is a desirable one?

I have no objection to the President preparing a plan and submitting it to the Congress, but I do object to the decreased feeling of responsibility in Congress which would come from the President merely sending up a bill, when all we would have to do would be to look it over and say, "We do not see anything wrong with it," whereupon, without any action on the part of Congress, it would become law. Certainly, such abdication of our duty is profoundly opposed to sound public policy.

Mr. President, instead of being moved by a constant realization that before a measure should be enacted into law a preponderance of proof that the measure is desirable and wise should be found by Congress to exist, under the proposed procedure, by which the President would make a proposal and if we did not do anything, it would become law by default, Congress would be apt to rely largely on a presumption as to the regularity and correctness of the measure as prepared by the executive department.

Can it be doubted that such procedure as proposed by the bill tends perhaps to laziness and slothfulness and inaction by Congress? Can it be doubted that it tends to discourage initiative by Congress? Can it be doubted that it tends toward a surrender to the Executive of the thinking on measures? Can it be doubted that such procedure, ignoble as it would be, would make Congress a mere rubber stamp?

Mr. President, the importance, from the standpoint of public policy, of Congress exercising its function and not surrendering them, was forcibly outlined by the Senator from Montana [Mr. WHEELER] on March 29, 1939, as follows:

I did say, and I repeat, that the Congress of the United States ought to exercise its functions under the Constitution as the forefathers drafted the Constitution. We ought to have the intestinal stamina to stand up here and say that we can legislate. How can we expect the people of the State of Illinois, or the people of the State of Michigan, or the people of the other States

of the Union, to trust parliamentary government if we, ourselves, assert that we cannot trust ourselves to legislate honestly?

Mr. President, by advocating that Congress exercise its own functions, neither the Senator from Montana nor I advocate that the President should not send recommendations to Congress or should not propose legislation for recommendation to Congress. The Senator from Montana clearly states the view which both he and I take in this matter. At least this is the view he took in 1939. I do not know his views today. He said then:

Some Senators have stood on the floor of the Senate and criticised the President because legislation was drafted in the executive department of the Government. I have never been one of those. I say that it is perfectly proper for the executive department of the Government to draft legislation, and that they should send their proposals to the Congress. I do not condemn the executive branch for doing that. I do not condemn the President for doing it.

Then the Senator from Montana said in ringing words:

I condemn any weak-kneed Senator who has not the intestinal stamina to stand up, if he disagrees with the executive department, and say to the President of the United States, to Mr. Ickes, to Mr. Wallace, or to any other officer, "I disagree with you."

The Senator from Maryland [Mr. TYDINGS] had the following to say on this subject, Mr. President:

How ludicrous it is for us as a legislative branch of the Government to say that one of the great problems before this Nation is the necessity of reorganizing and consolidating and taking other action in respect to the functions of the executive branch of the Government, in the interest of economy and efficiency, but that we do not intend to do a thing in the world about it except to pass a resolution inviting the President of the United States to legislate for us, and that whatever way he legislates will be satisfactory to us if we do not act on the plan within 10 days after he submits it.

The Senator from Maryland continued:

Mr. President, if there is need for reorganization, we should write the plan in Congress. Let it go through the normal processes of government up to the Executive, and have him approve it or disapprove it. If we feel there is no need for reorganization we should do nothing at all.

We ought not to abuse the various executive activities of the Federal Government on the floor of the Senate, and hold this branch and that branch up to ridicule and abuse, and then continue to allow more legislative authority to be transferred to the executive branch of the Government.

The Senator from Maryland called attention to an ominous fact, namely, to the unrest in this country, and expressed the following view:

Already, I believe, one of the great causes of unrest in this country has been the transference of legislative power to separate and independent agencies, which in effect is creating a fourth branch of our National Government, not that of legislation, not that of judicial or executive functions of the Government, but administrative legislation within supposed limits fixed by Congress in passing various acts.

Mr. President, I emphasize, in considering the unsoundness, from the stand-

point of public policy, of the proposed delegation of power, the world-wide trend toward abandoning parliamentary government and turning the power over to the executive department. The Senator from Montana [Mr. WHEELER] on March 20, 1939, forcefully called attention to this trend, in the following language, which is prophetic in its nature:

The whole course and trend today in Europe, and the whole trend in the United States of America, is toward giving up parliamentary government and turning the power over to the executive branch of the government. I say that such a trend is wrong, and as long as I remain in this body I shall continue to fight that sort of thing, regardless of whether or not I am charged with not trusting the President of the United States.

Mr. President, even in Great Britain the tendency toward surrender of legislative power and transference of it to executive domination has attained great momentum. On March 20, 1939, the Senator from Florida [Mr. PEPPER] said:

Let us take the British Parliament, if the Senator wishes to choose that. If the Prime Minister embarks upon a legislative course, the Parliament has the privilege of stopping that procedure, or reviewing it, or criticizing and vetoing it, before it goes into effect. Can the Senator say that that ancient Parliament has ceased to be the citadel of parliamentary procedure?

It will be observed that even though the Senator from Florida implies his belief that the British Parliament is yet "the citadel of parliamentary procedure," he nevertheless makes no mention of parliament itself being the body which initiates legislation. He emphasizes the Prime Minister as embarking upon a legislative course and refers to the so-called privilege which parliament has "of stopping that procedure, or reviewing it, or criticizing and vetoing it, before it goes into effect."

Mr. President, that is what we are asked to do in the committee amendment and in the Byrd amendment. We are asked to embark upon a legislative course with the privilege retained to ourselves to stop the procedure, to review it, or criticize or veto it before it goes into effect.

Mr. President, although the Prime Minister of Great Britain—and I digress at this moment to pay a word of tribute to the very interesting address which he gave to the Members of Congress yesterday—although the Prime Minister is a Member of Parliament, it is a long distance between embarkation by Parliament itself on a legislative course and embarkation by the Prime Minister upon such legislative course.

On July 27 of this year—I do not think I shall ever forget the occasion—the Senator from Georgia [Mr. GEORGE] made a statement. I do not believe I can give the exact language, but I remember the circumstances clearly. The Senator rose from the seat where the Senator from New Mexico [Mr. HATCH] now sits, and said:

The House of Lords has almost disappeared from any respectable part in the Government of England, save as a court in which law may be interpreted and announced.

The Senator from Georgia pointed to the House of Commons "as the heart and center and substance of the great British Empire." It is of interest to note, however, that the Senator then said:

The leader of that House is the Prime Minister, next in importance historically to the King, actually of first importance in all the realm where English jurisdiction and English law live.

Mr. President, in a lecture delivered in 1925 at Harvard University by Hon. Robert Luce of Massachusetts, who served for 20 years in Congress, he discussed the wane of the British Parliament as an initiating body. Referring to the time when the Federal Constitution, our own Constitution, was framed, Mr. Luce then said:

The next hundred years saw the wane of Parliament as an initiating body. By the middle of the nineteenth century, individual members of the house had ceased going beyond calling proposals to the attention of the government. A generation later it had become the practice for the ministry to determine upon all the important legislation before Parliament even assembled. With the passage of still another generation, the process of giving to the cabinet the monopoly of initiation was completed. Now no member of a minority, no independent member, if there be such, can hope for consideration of any proposal he may present. Indeed, the ministers have so monopolized the time that no member of the majority not in the government has more than a gambler's chance of getting so much as an insignificant measure considered. Not even by way of amendment may the private member embody his own ideas in legislation unless the government approves or permits. Discussion has dwindled in importance. Today it may be said of the English cabinet that, besides being the chief executive and central administrative board of the nation, it is in effect the law-making body; that of its own initiative and upon its own responsibility it makes the laws, modified only as the criticisms of Parliament may be accepted, and subject to veto only if it loses its majority in the House of Commons; that it shapes the program and directs the procedure of Parliament; that, save for the opportunity to criticize or vote in opposition, the member of Parliament not in the cabinet is a negligible factor; and that inasmuch as the Prime Minister necessarily dominates the cabinet he is virtually an autocrat, controlled by an unwritten constitution which obliges him to act within the law, and having duration of power contingent upon the popular will.

Then said Mr. Luce:

This is the form of government commended to the American people by many academic writers as preferable to that under which we now live.

I digress for a moment, Mr. President, to say that I do not agree that the British form of government is preferable to that over which floats that flag which we see behind the Presiding Officer of the Senate.

Mr. Luce continued:

We are urged to approach it by modifying our congressional and executive practices so that we shall have one-man leadership and control. We are told by not a few publicists that this way alone does our salvation lie. From time to time steps in this direction have actually been taken.

Further in his lecture at Harvard University, Mr. Luce said, at page 101:

Three quarters of our Presidents, however, have thought it their duty to execute rather than make the laws. Of course that way of putting it must be understood to take into account the constitutional injunction that the President shall recommend to the consideration of Congress such measures as he shall judge necessary and expedient. That which goes beyond recommendation is the debatable share in the making of laws.

The issue was brought into the forum of serious discussion by a little book called *Congressional Government*, published just 40 years ago and written by Woodrow Wilson, then a graduate student at Johns Hopkins University. In this vigorous volume he urged the superiority of a responsible cabinet ministry over committee government, as he called that by the Congress of the United States.

Continuing further, at page 105 and following pages, Mr. Luce says:

Over against the arguments for the cabinet system are to be set certain other formidable considerations, to my mind not often squarely met by its advocates. First may be put the belief of the framers of our constitutions that the fusion of functions invites tyranny. To be sure it is an old-time belief, but a belief is not necessarily fallacious because it is old. Experience may in the past have taught mankind at least a few things that are still useful.

I remember at this moment a distinguished former Member of this body from my State of Missouri, William Warner, who used to quote Patrick Henry. I cannot quote him exactly from recollection, but in his addresses I have many times heard him say that the only lamp he knew was the lamp of experience. After all, there is a good deal to be said in favor of the old-fashioned gospel that we learn something by experience. Mr. Luce seems to think that that saying has some element of truth, and I am old-fashioned enough to agree with him.

Mr. Luce continued:

In the last analysis, cabinet government, at that when the man who makes the law also administers and adjudicates it oppression is likely to result. Abuse of power has been a characteristic of monarchs.

In the last analysis cabinet government, at the stage it has reached in England today—

Remember, he was speaking in 1925—is nothing but monarchy under another name, and pretty near absolute monarchy at that while it lasts; for the Parliament can at a moment's notice change any and every precept in the unwritten Constitution of Great Britain, and the Parliament acts at the will of the Prime Minister as long as he is in power.

As I have stated, Mr. Luce was speaking in 1925. What has happened since then? I know that our distinguished friend from Virginia [Mr. BYRD] venerates the University of Virginia, which was founded by a great statesman. I quote from a book published in 1937 by Prof. R. K. Gooch, professor of political science, University of Virginia. I do not know the standing of Professor Gooch, but he was professor of political science at the University of Virginia. He wrote this:

The frank recognition in England of leadership on the part of the executive in the matter of legislation has caused the House of Commons, where practically all important public bills are in practice introduced, to allot to the government by standing order most of the time in which public bills may

be brought in. As a result, the greater part and the most important part of the public bills introduced will normally be government bills.

This has a certain humor in it, and yet it is serious when we realize it:

In general, private members' measures—

By the way, I think I am a "private member." I think most of us consider ourselves "private members." We are not members of any superior oligarchy which rules the Senate.

In general, private members' measures must be introduced on a Friday early in the session; for the government monopolizes the time on all the earlier days of the week and, later in the session, takes Fridays as well. Though the House meets earlier on Friday, it also adjourns much earlier because of the week-end habit; and, for the same reason, attendance is likely to be scant.

Since many more potential private members' bills are ready for introduction than could possibly be introduced on the dozen or so Fridays available, the simple expedient adopted in the matter is that of drawing lots.

Under this plan, the Senator from Utah [Mr. MURDOCK] and others of us would draw lots to decide who could introduce his bill and who could not.

Private members who desire to participate in the draw hand in their names at the beginning of the session. Successive Fridays are allotted to members in the order in which their names are drawn.

If a private member is lucky enough to draw an early Friday, apparently he may, with further luck and considerable skill, succeed in having his bill become law. However, passage seems to depend on a combination of various circumstances. If the government is opposed to the bill, it will have no chance. If the government should approve it so definitely as to make it its own, the bill would, of course, become a government bill. If the government is indifferent, various procedural difficulties stand in the way. However, it would appear that if the private member is popular or at least not unpopular, if the bill is popular or at least not unpopular, and if the member possesses some skill in respect of parliamentary procedure, the bill will have a fair chance of being passed into law.

In his book on the English cabinet system published in 1939, by Dr. Wangteh Yu, the author devotes himself to an historical study of the evolution of the cabinet system in England. From the name, I presume that the author is Chinese, although I do not know. In the section entitled "the Cabinet Controls the Commons" the writer says, among other things—page 366:

Thus the Cabinet has become the absolute master in the sphere of finance, and wields a power more arbitrary than any Plantagenet or Tudor Sovereign.

The author, Dr. Yu, further says—page 366:

In theory, the House of Commons still possesses power to alter its procedure, and to decide what measures it will consider, but in actual practice control over these matters is exercised by the Cabinet, which, as the supreme master of the Commons, settles what proposals shall be presented to the House and lays them before it for confirmation. As the tightening of the party system has resulted in the weakening of the power of resistance by individual members, they are compelled to accept the measures presented by the Cabinet, whether they approve of them or not.

One of the characteristics of the modern Cabinet is its full control over the legislative output of the House of Commons. As one writer has put it, the Parliament of the present day has largely reverted in substance to the practice of the Parliament of the first Edwards, under which the King, by his ministers, made the laws.

Continuing further—pages 369-370—Dr. Yu says:

Various consequences follow from the possession of legislative power by the Cabinet, such as the encroachment on the liberty of speech of individual members of the Commons, and the reduction of the legislative opportunities of private members almost to vanishing point. * * *

The cabinet also virtually deprives private members of their legislative power, since their measures must meet with the approval of the ministers.

In his book on the British Constitution, published in 1941, the preface to which is dated September 6, 1940, Dr. W. I. Jennings, principal of the Ceylon University College, of Gray's Inn, barrister-at-law, says—page 74:

It must not be forgotten, though, that the last word as well as the first rests with the Government. The major legislation enacted by Parliament is the Government's legislation. The foreign and imperial policy of the nation is the Government's policy. Taxation is imposed by Parliament but determined by the Chancellor of the Exchequer. The Government not only proposes but, through its majority, disposes.

Continuing further, Dr. Jennings says—page 75:

Parliament cannot govern. It can do no more than criticize.

Continuing further he says—page 97:

Bills are sometimes introduced by peers. They are comparatively rare, because the British Parliament has long ago learned that its task is primarily to criticize legislative proposals, not to initiate them. They cannot pass the Commons unless they are entirely noncontroversial or are supported by the Government; but occasionally a bill presented by a peer does get through.

In his work on Law and Orders, an inquiry into the nature and scope of delegated legislation and executive powers in England, by Carleton Kemp Allen, of Lincoln's Inn, barrister at law, sometime professor of jurisprudence in the University of Oxford, Oxford secretary to the Rhodes trustees, and warden of Rhodes House, Oxford, published in London in 1945, the preface to which is dated November 17, 1944, Mr. Allen said—in speaking of the period between two wars, namely, the First and Second World Wars—page 41:

Throughout all these years the volume of delegated legislation and executive powers did not diminish and they tended, on the whole, to become increasingly arbitrary. The process was much accelerated by the creation of new departments, with very extensive fields of action, such as the Ministry of Health and the Ministry of Transport. In a series of cases, most of which were painful sequelae of the war, the Crown showed a recalcitrance which can only be described as a denial of justice. Protests from the bench were frequent and emphatic, and public uneasiness grew year by year.

Mr. Allen quotes Mr. Dingle Foot, member of Parliament, as saying, on January 27, 1937—page 43:

It does not matter particularly if the House of Commons does not understand what comes before it because it is not our business to understand, but simply to pass the measures presented to us.

Further, Mr. Allen says—page 43:

Nothing, however, stemmed the stream, and it was still growing in volume when another war broke out and turned it into an irresistible flood.

Continuing, Mr. Allen says—page 94:

In the particular matter of delegated powers, modern governments show little disposition to make concessions, the less so when they are advised—as they constantly are advised, and, let it be added, in all good faith—by the permanent officials that it will be impossible to make the act work if the executive powers are abridged.

It lies, then, in the realm of constitutional fiction to say that Parliament exercises any continuous or effective safeguards over delegated legislation, and it is not surprising to find Lord Hemingford (whose view is also that of Sir William Graham Harrison) saying that "the accusation against the House of Commons at the present time is that it allows government departments to do things without knowing what is being done."

Mr. Allen, continuing, says—page 129:

"Parliament," said Mr. Lloyd George, "has never taken any practical steps to scrutinize the estimates with a view to seeing whether expenditure could be reduced without detriment to the public service, and that is one of its primary functions." Mr. Churchill considered the debates on supplementary estimates "the most worthless of any that I have known in my career." Prof. Ramsay Muir described the power of the purse as "wholly unreal." This last witness was more emphatic than any other in his estimate of the decline of Parliament's place in the constitution. "There is no country in north-western Europe in which the control exercised by parliament over the government—over legislation, taxation, and administration—is more shadowy and unreal than it is in Britain. Parliament is no longer, in any real sense, the sovereign power in the state." If this is thought to be an exaggeration, then the same must be said of the blunt opinion of a man who, at this moment of writing, has a longer memory of Parliament than any other in England. In answer to the question whether he wished to make Parliamentary control more effective, Mr. Lloyd George replied: "Well, it has not got control. I am speaking now after 40 years of experience: Parliament has really no control over the executive; it is a pure fiction."

Mr. President, in the light of the experience of Great Britain, to which the Senator from Florida [Mr. PEPPER] referred, as previously indicated, as "the citadel of parliamentary procedure," it is well that we of 1945 in the United States should maintain, rather than abandon and reject, the fundamental principle of government to which the distinguished Senator from Virginia [Mr. BYRD] referred in the report which he presented in 1939 concerning the Reorganization Act, reading as follows—page 5:

The Senate committee submits that as a fundamental principle of government, Congress should retain the right of direct and affirmative vote upon changes of functions or policies of government and other vast potential powers which may in effect be exercised by the Executive under this proposed legislation.

Mr. President, I shall not undertake a detailed recapitulation of my argument this afternoon. I have pointed out the

defects of the Byrd amendment, the change of position taken by the Senator from Virginia, the reason for that change, the fact that he makes no criticism of the principles on which my amendment is based and the principles on which the amendment for which he stood back in 1939 was based.

I have pointed out that both the committee amendment and the Byrd amendment delegate legislative power. I have pointed out that there is no right or power in Congress to delegate legislative power. I have called to the witness stand the framers of the Constitution of the United States, the distinguished members of this very body who have spoken on the subject and the courts themselves, in support of the legal proposition I have stated.

I have discussed the only possible basis on which to attempt to sustain the committee amendment and the Byrd amendment, namely, the basis the distinguished Senator from Utah so skilfully presented the other day. I have pointed out with, I trust, at least reasonable clarity the fact that the standards sought to be imposed by the bill, if they can be dignified by the term of standards, are so vague and indefinite and lacking in preciseness as to constitute no standards at all.

Then I have discussed the point made by the distinguished Senator from Virginia and the distinguished Senator from New Mexico, namely, that the adoption of a reorganization plan will be prevented by the adoption of my amendment. I have undertaken to answer that proposition and also the argument of the Senator from New Mexico that the President can now do all that the bill with my amendment would permit, and that the adoption of my amendment would nullify the bill.

I have pointed out in that connection that the bill does have merit, provided it is limited by the amendment I have offered, namely, that instead of leaving it to the President at such times as he may find proper to take such steps as he may deem proper, it would be obligatory upon him to study the question of reorganization and to give the Congress the benefit of his views thereon by means of a plan; and then I have pointed out that I base my opposition to the bill and the Byrd amendment not only on the point of unconstitutionality but also on the proposition that the negative method prescribed by the committee amendment and the Byrd substitute is opposed to sound public policy.

I have pointed out the devastating effect which has been had on the British Parliament by the assumption of vast powers—whether voluntarily given or usurped, I do not know—by the British Cabinet.

Having pointed out that situation, I leave to the Senate the proposition that we of the Senate of the United States, standing, as we should do and as we are sworn to do, for the preservation of the Constitution of the United States, should be very slow to pass a bill which by encouraging lack of initiative and by discouraging initiative would be very likely to produce, as the years go by and as the

precedents multiply, the inaction, the loss of legislative power, the loss of prestige, and the loss of influence which the British Parliament, the great citadel of parliamentary procedure, as the Senator from Florida has said, itself has experienced.

So, Mr. President, I undertake to say that the Byrd amendment should be rejected, both because it is unconstitutional and because it is opposed to sound public policy. By the same token, and conversely, I assert that the amendment I have offered, which is the same as the amendment which was before the Senate in 1939 and which at that time, in the first instance, was carried by a vote of 46 to 44, as I recall, and later was lost by a vote of 44 to 46, will assure the constitutionality of the measure, preserve its good features, and should be approved by the Senate of the United States.

Mr. MURDOCK. Mr. President, I am about to make a unanimous-consent request, which I hope will be agreed to, with reference to the vote which will later be taken on the Byrd amendment, and the Donnell amendment in the event that the Byrd amendment is not agreed to, and all other substitutes which may be offered to the Donnell amendment. I ask unanimous consent that the vote be taken not later than 2 o'clock tomorrow.

Mr. MORSE. Mr. President, I object.

Mr. DONNELL. Mr. President, I wish to be recorded also as objecting.

Mr. MURDOCK. If we extended the time to 3 or 4 o'clock tomorrow—

Mr. DONNELL. I would not consent.

Mr. MORSE. I would still object.

The PRESIDING OFFICER. Objection is heard.

EXECUTIVE SESSION

Mr. MURDOCK. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. ELLENDER in the chair) laid before the Senate a message from the President of the United States submitting the nomination of Robert E. Freer, of Ohio, to be a Federal Trade Commissioner, which was referred to the Committee on Interstate Commerce.

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. WALSH, from the Committee on Naval Affairs:

Rear Adm. Oswald S. Colclough to be Judge Advocate General of the Navy, with the rank of rear admiral, for a term of 4 years;

Capt. George L. Russell, United States Navy, to be a rear admiral in the Navy, for temporary service, to continue while serving as Assistant Judge Advocate General; and

Civil Engineer John J. Manning to be Chief of the Bureau of Yards and Docks in the Department of the Navy, with the rank of rear admiral, for a term of 4 years, from the 1st day of December 1945.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

Nov.
15

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued November 16, 1945, for actions of Thursday, November 15, 1945)

(For staff of the Department only)

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HIGHLIGHTS: Senate continued debate on reorganization bill and agreed to Byrd amendment to permit effectiveness of any reorganization plan after 60 days unless rejected by concurrent resolution. Senate committee reported Downey pay bill. Sen. Byrd urged 20% reduction in Federal personnel and submitted Economy Committee's civilian-employment report. Rep. Gross criticized Secretary Anderson's "campaign tour" and the New Deal farm program.

SENATE

1. GOVERNMENT REORGANIZATION. Continued debate on this bill, S. 1120 (pp. 10866-70, 10877-91). Agreed, 35-24, to Sen. Donnell's (Mo.) amendment regarding Congressional approval of reorganization plans (p. 10882) after agreeing, 37-26, to Sen. Byrd's (Va.) substitute amendment which provides that any reorganization plan shall be effective after 60 days unless rejected by concurrent resolution (p. 10880).
2. PERSONNEL. The Civil Service Committee reported without amendment S. 1415, the Federal 20% pay-raise bill (S.Rept. 742)(p. 10859); S. 396, to amend the Civil Service Retirement Act with regard to the computation of annuity payments to persons who retired before Jan. 24, 1942 (S.Rept. 741)(p. 10860); and with an amendment H.R.2716, to provide for health programs for Government employees (S.Rept. 743)(p. 10860).
Received the report of the Joint (Byrd) Economy Committee on civilian employment in the Executive Branch. Sen. Byrd, Va., stated, "I believe the number of civilian personnel...can be reduced from 3,491,000 to 1,000,000 without impairing any essential function." (pp. 10860-1).
The Military Affairs Committee reported without amendment S. 1560, to amend the Service Extension Act so as to extend reemployment benefits to former members of the WAAC's who entered the WAC's (S.Rept. 746)(p. 10860).
3. MINERALS. The Mines and Mining Committee reported without amendment S. Con. Res. 22, calling on the Secretary of the Interior for a report upon the minerals situation of the U.S. (S.Rept. 749)(p. 10860).
4. SMALL BUSINESS. Sen. Wherry, Nebr., inserted his Forbes Magazine article, "One Million New Businesses," which deals with the full-employment situation (p. 10891).

5. FARM PROGRAM. Rep. Gross, Pa., criticized Secretary Anderson's "campaign tour" and the New Deal farm program (p. 10898).
6. IRRIGATION. The Irrigation and Reclamation Committee reported without amendment H.R. 1689, authorizing Interior Department to purchase improvements or pay damages for removal of improvements located on U. S. public lands in the Anderson Ranch Reservoir site, Boise Reclamation Project, Idaho (H.Rept.1208)(p.10917).
7. VETERANS' FARM LOANS. Rep. Sabath, Ill., criticized administration of the veterans' farm-loan provision of the GI Bill of Rights (p. 10901).
8. SURPLUS PROPERTY; VETERANS. Rep. Scrivener, Kans., criticized difficulties encountered by veterans in purchasing surplus property, including a veteran's letter on the subject, and urged passage of his bill H.R. 4390, to amend the Surplus Property Act so as to simplify disposal to veterans (pp. 10895-6).
9. FULL EMPLOYMENT. Rep. Biemiller, Wis., spoke favoring full-employment legislation and discussed provisions of the bills H.R. 2202 and S. 380 (pp.10902-7).
Received a United Electrical Radio and Machine Workers petition favoring the full-employment bill (p. 10917).
10. FOREIGN LOANS. Rep. Andresen, Minn., criticized proposed loans to England (p. 10893).
Rep. Woodruff, Mich., criticized loans to England and included New York Journal-American articles which discussed means (including those of this Department) by which to favorably publicize such loans (pp. 10898-900).
11. LEGISLATIVE PROGRAM. Majority Leader McCormack announced that the deficiency-appropriation bill is expected to be reported Mon., Nov. 26 (p. 10901-2).

BILLS INTRODUCED

12. PERSONNEL; RETIREMENT. H. R. 4651 (see Digest 199-200) amends the Civil Service Retirement Act to provide for annuities for recovered disabled annuitants whose annuities are discontinued subsequent to June 30, 1945, and who fail through no fault of their own to obtain reemployment.
13. FARM LABOR; SELECTIVE SERVICE. H. R. 4662 (see Digest 199-200) amends the Selective Training and Service Act to provide for deferment of registrants found to be regularly engaged in an agricultural occupation or endeavor.
14. PRICE CONTROL. S. J. Res. 118, by Sen. Wherry, Nebr. (for himself and Sen. Stewart, Tenn.), to amend the Emergency Price Control Act with respect to the margin of profit which must be allowed in fixing maximum prices. To Banking and Currency Committee. Remarks of author (pp. 10870-7).
16. SOCIAL SECURITY. H. R. 4700, by Rep. Wickersham, Okla., to provide Federal pensions for all individuals not covered by title II of the Social Security Act, and to repeal title I of said Act. To Ways and Means Committee. (p. 10917.)
17. WATER POLLUTION. H. R. 4705, by Rep. Bailey, W. Va., to prevent the contamination of streams and other bodies and sources of water by the escape of sulfur or other polluting water from abandoned coal mines, to prevent entry of such mines by unauthorized persons or livestock, and to aid in preventing or extinguishing mine fires. To Rivers and Harbors Committee. (p. 10917.)

controlled areas of Europe. Among other things, he said:

The governments set up in those countries do not, in our view, represent the majority of the people and the impression we get is that one kind of totalitarianism is being replaced by another. This is not what we understand by the much-overworked word, "democracy," which appears to me to need definition.

There is only one antidote for such suspicions, if they are groundless, Mr. President. That antidote is the authenticated truth reported in the free press of America and the world. If the suspicions are not groundless, I submit that our own Government has no greater responsibility than to seek, with every emphasis at its command, a true disclosure of the facts.

Mr. President, I do not know why we cannot be as candid in a friendly discussion of our Soviet-American relations as is the Russian press and the Russian spokesmanship, both at home and abroad, particularly since I embrace no such latitudes as they often give themselves. The truth is that the iron curtain has been one of the greatest obstacles to the Soviet-American liaison upon which so much of the world's hope for peace and progress depends. I respectfully suggest that this is not good for either them or us.

When the distinguished senior Senator from Florida stopped recently in Moscow in the course of his global odyssey, it is reported that he asked Marshal Stalin whether the Generalissimo wanted to give him any special message to us. The great Russian leader is reported to have hesitated and then said:

Just judge the Soviet Union objectively. Do not either praise us or scold us. Just know us and judge us as we are and base your estimate of us upon facts and not on rumors.

Mr. President that is a fair request. It is for a chance to honor that request that I am pleading this afternoon. It seems to me, in this instance, that Marshal Stalin and I are asking for precisely the same thing. But how can we judge the Soviets objectively—how can we separate "facts" from "rumors"—if the Soviets themselves discourage us from doing so? Only a week ago last Wednesday when the few Anglo-American correspondents in Moscow addressed a plea to the distinguished People's Commissar of Foreign Affairs to relax the stern censorship which rests upon them, Mr. Molotov replied, through a Foreign Office spokesman, that he "did not find it necessary to give the protest his attention." Yet the appeal of these correspondents was only for a chance to apply the Stalin prescription. It pointed out that the Soviet Union was the only great allied power that retained wartime censorship, and said:

Censorship in peacetime of all dispatches relating not only to military affairs but to politics, economic, cultural affairs and every aspect of life in the Soviet Union destroys the value of foreign correspondence in a free world and has created general distrust abroad of all news emanating from the Soviet Union.

Under such circumstances, I repeat, how can we view Russia "objectively" and discard the rumors from the facts?

The iron curtain intervenes. It prevents us from knowing them, and—an equal tragedy—it prevents them from knowing us. I quote a recent metropolitan editorial at this point:

Probably nothing else in the world is so important at this moment as good relations between Russia and the United States. Probably nothing would do so much to promote and cement those good relations as an end of Russian black-outs, foreign and domestic.

I am glad to note a Reuters dispatch from Moscow on November 11, which states that "during the last 2 weeks the rigid application of wartime restrictions appears to have been somewhat relaxed." I am glad to note still further and subsequent statements out of Moscow which indicate a feeling that the "black-out" is being relieved, very recently, to a degree. I cannot overemphasize my conviction that such news is of paramount importance. The more progress we can make in this direction, the less thorny will be the paths of international comity. The better it will be for both of us and for the world. I agree with the editorial comment which said:

It might be a mistake to assume too much, but if this gesture betokens that Russia is willing to drop her traditional suspicions * * * if it means that she is willing to meet the world half way, then the world will not fail to meet her. And if that is the case, then the present proposals can, indeed, mark the beginning of a new era of peace and plenty which in time may even lift the specter of an atomic cataclysm now hanging over the world.

Secretary Byrnes stated, in a recent New York speech, that we are fully aware of Russia's special security interests in her central and eastern European neighbors and that we can appreciate her desire for insulations. He drew a rather startling parallel with our own good-neighbor policy under the Monroe Doctrine and our inter-American relationships. I shall have to say frankly that I think this was a sadly strained analogy. We Americans do have special security interests in our neighbors; but the world can come and see to its heart's content that we glory in treating them all as sovereign equals. They are our partners; not our satellites. We shall never complain of any kindred special security interests when similarly exercised by others. But this phrase—special security interests—often has another, a different and an ominous connotation in diplomacy. It could be reminiscent, for example, of the notorious Lansing-Ishii agreement of 1917 which Japan used to bedevil China for many years, although I make no such application now. But I shall have to say that I, for one, do not "appreciate"—the Secretary's word—what has happened, for example, in so-called liberated Poland—our faithful ally—where few, if any, of the literal guaranties of the Atlantic Charter, pleasantly reiterated in the recent speeches of both the President and the Secretary, have been fulfilled.

If the Secretary was speaking of special security interests in the true pattern of an inter-American analogy, then I agree. Certainly we can fully understand the Soviet insistence, for example, upon her special security interests

against any resurgence of her erstwhile Axis neighbors. With that objective I am in total sympathy. It is part and parcel of the San Francisco Charter. If the iron curtain is one of the devices upon which Moscow feels it must rely for these special security interests, then here is another vital reason to revert to the theme of my speech of last January 10 that, for the sake of all concerned, we had best completely clear the track of all such Russian fears of her erstwhile Axis enemies by signing with all the major Allies a long-time treaty, agreeing to stand together—one for all and all for one—in the event of any Axis resurgence, and thus bulwark the United Nations Organization with another and a final steel beam. If that would relieve the pressure on the Balkan and the Baltic States and the related areas, if it would recall the Red army from so-called liberated areas, if it would renew forgotten parts of the Atlantic Charter, and if it would roll up the iron curtain, it would be the greatest bargain ever written into history.

I do not too often agree with Mr. Harold J. Laski, chairman of the British Labor Party; but I do emphatically agree when he wrote last week: "We and the Americans alike must convince the Russians that we have no thought or sentiment which jeopardizes their security." Mutual assurances—both ways—upon this score will do more for peace than any other possible supplement to the San Francisco Charter.

Secretary Byrnes has said: "America will join any groups in those countries in hostile intrigue against the Soviet Union." Mr. President, in return for the reciprocal realities to which I have referred—and they are essential to peace with justice in this world—I would go even further than the Secretary has gone, and agree affirmatively to join in permanently resisting any such axis threats as those defined.

Mr. President, I conclude as I began. Not in a challenge but in an appeal, I beg of all nations, wherever they may be, to consider their own self-interest in lifting the iron curtains of secrecy, censorship, and blacked-out truth. Otherwise, is it not perfectly obvious that they will increasingly plague us and our allies in matters of relief, in matters of rehabilitation, in the matter of loans, in the matter of atomic bombs, in the entire evolution of the United Nations Organization—indeed, in all future international relationships? Is there anything to which men of good will need more earnestly to address their efforts and their prayers?

This shattered world is in need of new sources of dependable confidence, new well-springs of hope. It cries out for mutual understandings. It needs the tonic of universal truth. It needs the inspiration which San Francisco has sought to breathe into the General Assembly of the United Nations as the free and untrammelled "town meeting of the world." We can only stumble if the dark persists. In the words of the Psalmist: "Light is sown for the righteous."

RATIFICATION OF THE UNITED NATIONS CHARTER BY NORWEGIAN PARLIAMENT

Mr. WILEY. Mr. President, I was informed a moment ago that the Associated Press has just received the story that the Norwegian Parliament has unanimously ratified the United Nations Charter.

STATISTICS ON DISCHARGES FROM THE ARMY

Mr. TUNNELL. Mr. President, like many other people in the United States, I have been somewhat worried at times over the complaints which have been made with reference to the release of men from the armed services. Since the War Department issued a press release on November 13, summarizing discharges from the Army, I thought that perhaps the RECORD should show exactly what has been done in this respect by the War Department.

During the week ending November 9, 1945, 42,000 members of the military forces were discharged each day; from November 1 to November 9 more than 40,000 were discharged each day. Going back to September 2, VJ-day, since that date there have been released from the Army an average of 32,867.

Since May 12, 1945, to November 9, and including November 9, 2,827,000 men have been discharged from the Army.

These are the facts as given by the War Department, and I think it is well that the people of the United States, who are rightfully asking for the return of the servicemen as rapidly as possible, should know that the War Department is not entirely asleep in this situation, but is discharging more than 40,000 men each day, which is no small task.

I ask, Mr. President, that the press release by the War Department of November 13 be printed at this point in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

WAR DEPARTMENT, BUREAU OF PUBLIC RELATIONS, November 13, 1945.

The War Department today gave the following weekly summary of the demobilization program:

Returns to civil life

Released during week ending Nov. 9, 1945.....	294, 000
Total released Nov. 1 through Nov. 9, 1945.....	379, 000
Total released, VJ-day (Sept. 2, 1945) through Nov. 9, 1945.....	2, 235, 000
Total released during the period May 12 through Nov. 9, 1945.....	2, 827, 000

REORGANIZATION OF GOVERNMENT AGENCIES

The Senate resumed the consideration of the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Virginia [Mr. BYRD], proposed as a substitute for the amendment of the Senator from Missouri [Mr. DONNELL], as modified, inserting in lieu of section 4 (a) certain language.

Mr. DONNELL. Mr. President, I should like to ask for the floor for a very few minutes.

The senior Senator from Oregon [Mr. CORDON] yesterday inquired of me whether the Byrd amendment seeks to repeal a law by concurrent resolution. I stated to him:

I shall undertake to discuss that phase of the amendment a little later, if I may.

I understand that by his inquiry the Senator suggests the thought:

First. Let us make the assumption that (a) the power which S. 1120 delegates to the President is administrative, not legislative, power, and that the bill sets up standards of a nature which make the delegation valid; and (b) the President, pursuant to S. 1120, formulates and transmits to Congress a reorganization plan.

Second. The action of the President becomes law.

Third. The Byrd amendment then undertakes to enable Congress, by concurrent resolution, which has no legislative effect, to repeal the law thus created by the President.

I have outlined my understanding of the inquiry suggested by the distinguished senior Senator from Oregon. My answer to the inquiry is that—

First. I have the greatest of difficulty in making the assumption that the power which S. 1120 delegates is administrative, not legislative, and that the bill sets up standards of a nature which make the delegation valid.

Second. If, however, that assumption be made, it is in my opinion possible for the Congress to provide by S. 1120 that (a) the taking effect of the plan prepared by the President shall not occur until the expiration of a period of time; and (b) if within that time some event specified in S. 1120, whether such event is the adoption of a concurrent resolution or any other incident, shall occur, his plan shall not take effect.

Mr. President, I ask for the yeas and nays on the pending question.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I discussed this matter at some length on Friday last, I shall not take up much of the time of the Senate today.

The Senator from Missouri made a very fine presentation of his side of this question yesterday. I was very much complimented, Mr. President, that he referred so repeatedly to what the Senator from Virginia said 6 years ago and what he said last week. I think, Mr. President, that a Senator certainly has a right to change his mind once in 6 years, in fact, if he does not change his mind oftener than that I think he should not be subject to much criticism.

It is true, Mr. President—and of course it has been discussed here very fully—that the Senator from Virginia supported 6 years ago the position which is now taken by the Senator from Missouri. I explain again that the situation is entirely different now from what it was then; and I am firmly convinced that the only way to effect a reorganization of the vast bureaucracy which has been built up in Washington is to give the President the power to do it subject to a veto by Congress, as is provided in the substitute I have offered. We have

today four times as many bureaus and employees as we had 6 years ago.

When the Senator from Missouri speaks of the delegation of legislative authority from the Congress to the President let us bear in mind, Mr. President, that many important executive agencies in the Government have been established by Executive order under the general authority of Congress.

I have a list of some of these agencies here. They are some of the most important in the Government. I shall not take the time of the Senate to read them, but I ask unanimous consent that they may be printed in the RECORD at this point.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Federal agencies established by Executive order

Name	Executive order	Date
White House (Administrative) Office.....	8248	1939
Office of the Coordinator of Inter-American Affairs.....	8840	1941
Office of Defense Transportation.....	8989	1941
Office of War Mobilization and Reconversion.....	9347	1943
Retraining and Reemployment.....	9427	1944
Publication Board.....	9568	1945
Surplus War Property Administration.....	9425	1944
Office of Economic Stabilization.....	9250	1942
Office of Scientific Research and Development.....	8807	1941
Office of War Information.....	9182	1942
War Manpower Commission.....	9139	1942
War Production Board.....	9024	1942
Civilian Production Administration.....	9638	1945
War Relocation Authority.....	9102	1942
War Shipping Administration.....	9054	1942
Office of Alien Property Custodian.....	9095	1942
Commodity Credit Corporation.....	6340	1933
Office of Price Administration.....	8734	1941
Petroleum Administration for War.....	9276	1942
Advisory Board on Just Compensation.....	9611 9627	1945
Interim Research and Intelligence Service.....	9621	1945
Foreign Service Officers Training School.....	9450	
Office of Community War Services.....	9338	1943
National Housing Agency.....	9070	1942
Office of the Administrator.....	9070	1942
Federal Home Loan Bank Administration.....	9070	1942
Federal Public Housing Authority.....	9070	1942
Department of Agriculture:		
Agricultural Research Administration.....	9069	1942
Commodity Credit Corporation.....	6340	1933
Office of Food Production.....	9280	1942
Farm Security Administration.....	7027	1935
Marketing Service.....	9280	1942
Rural Electrification Administration.....	7037	1935
Farm Credit Administration.....	6084	1933
Department of Commerce: Export-Import Bank.....	6581	1934
Department of the Interior:		
Division of Territories and Island Possessions.....	6726	1934
Government in the Territories.....	6226	1934
U. S. Board on Geographical Names.....	6680	1934
Solid Fuels Administration for War.....	9332	1943
Southwestern Power Administration.....	9366	1943
Department of Justice: Tax Division.....	6166	1933
Department of the Treasury:		
Foreign Funds Control.....	8389	1940
Division of Personnel.....	7916	1938
Procurement Division.....	6166	1933
Federal Property Utilization.....	9055	1943
Interim International Information Service.....	9608	1945
Federal Prison Industries, Inc.....	6917	1934
U. S. Housing Corporation (in liquidation).....	2889	1918
UNRRA (United States participation in).....	9453	

Mr. BYRD. Certainly, Mr. President, it is just as great a delegation of legislative power from the Congress to the Executive to establish new branches of Government as it is to give to the President the right, under the veto provisions provided in the plan I have offered, to

abolish these agencies in the interest of economy.

Let us remember, too, that billions of dollars have been appropriated by the Congress in lump-sum appropriations to be expended at the direction of the President. That, I think, is also a delegation of legislative power. These appropriations were made in lump sums some time prior to the war emergency. As I recall, the first one was an amendment attached to the NRA Act providing for an appropriation of over \$3,000,000,000, which was virtually at the disposal and dictation of the President; that is to say, where the fund was to be spent, in what sections of the country it was to be spent, was to be determined by the President. I do not think it is anything entirely new, because the Congress of the United States from time to time has delegated legislative power to the President.

Here we have a proposal which has for its purpose the reduction of expenditures, which has for its purpose greater efficiency of the different departments of the Government, and for that reason I am willing to support it.

Mr. TAFT. Mr. President, will the Senator from Virginia yield?

Mr. BYRD. I yield.

Mr. TAFT. What bothers me about the Senator's amendment is this: Let us say we hold a hearing, followed by debate in the committee and action by the Senate, for instance, on the question of unification of the armed forces, and we decide what we want and pass a law to that effect. The next day we say to the President, "You can change that whole business and recommend a different plan. If you get a majority of the House, although the Senate has not changed its mind, although it has the same view, you can overrule the Senate." Is not that the effect of the Byrd amendment as it is presented in its present form?

Mr. BYRD. It is not the effect as it would be applied to the unification of the services, because the departments of the Government are exempted. The President could not unify the services, under the pending bill, whether the Byrd amendment were adopted or not, because he is prohibited from joining together any two or more departments of the Government, as the Senator well knows.

Mr. TAFT. He could, however, proceed with many bureaus in between, which would to a large extent carry out some of the purpose, particularly with regard to the unification of the Air Forces, under the bill. Is not that correct?

Mr. BYRD. I think the President now has the power to transfer them.

Mr. TAFT. He could transfer the Air Force of the Navy to the Army Air Force if he wished to do so, when this bill is enacted. Is not that correct?

Mr. BYRD. All the 10 main departments of the Government are entirely exempted from abolition or combining.

Mr. TAFT. I do not know, but I think the Senator is mistaken. As I understand, they cannot be abolished, but a bureau can be taken out of one and transferred to another.

Mr. BYRD. Yes; I think the Senator is correct about that.

Mr. TAFT. Furthermore, we approved the nomination of Mr. Wallace last January largely because we first transferred the RFC from the Department of Commerce and set it up as an independent agency. Yet, when this bill is enacted, the President can transmit a reorganization plan transferring the RFC back to the Department of Commerce, and no matter whether two-thirds of the Senate are opposed to it, if he can get a majority of the House to approve the plan, the plan will go through. Is not that a correct interpretation of the Senator's amendment?

Mr. BYRD. The Senator can interpret the bill just as well as the Senator from Virginia can. Under the power proposed to be conferred on him, the President can transfer departments and agencies, excepting for the prohibitions and exemptions which are listed in the bill. I think the Senator could stand here for an hour or so and ask different questions with respect to what the President could do, but the bill is very clear, I think, and if the Senate does not understand now what the President can do, after nearly a week of debate, I do not think it will every understand it.

Mr. TAFT. I want to know whether the Senator thinks the President should be allowed to nullify the will of the Congress after it has debated a question. Does the Senator think that should be possible?

Mr. BYRD. The Senator from Virginia is supporting the bill, and he is supporting the substitute he has offered, so I do not think there is any question about that. It all goes back to the old question, and I differ with the Senator from Ohio, with all my respect for him and my confidence in him. He thinks Congress can reorganize. I say Congress cannot reorganize under present conditions and do it effectively.

Let us consider, for example, the duplications. I read a list of them to the Senate a few days ago, and want to go over them a little. There are 22 agencies operating within 11 departments with respect to housing.

Mr. TAFT. Will the Senator yield?

Mr. BYRD. I yield.

Mr. TAFT. Several Senators prepared and introduced in the Senate yesterday a bill to reorganize the housing agencies of the Government, placing them permanently under one department, and I hope that bill will be passed by the Senate.

Mr. BYRD. Did the Senator provide for reorganizing the 22 agencies operating in 11 departments? That is not in the bill.

Mr. TAFT. So far as I know, under that bill, every department having to do with housing, with the exception of the Veterans' Administration, is consolidated under the National Housing Administration.

Mr. BYRD. I think the Senator will find that he has omitted a good many of the agencies which deal with housing.

Mr. TAFT. Most of those agencies are obsolete, and I would say that any touch they have with housing today is negligible, with the exception of the Veterans' Administration, outside of the proposed

National Housing Agency. I say the job can be done by Congress.

Mr. BYRD. The Senator has referred to one bill which has been presented, the only one I know of along that line.

There are 27 agencies operating within 12 departments relating to standards of inspection.

There are 29 agencies operating within 21 departments having to do with statistics.

Mr. TAFT. Mr. President, will the Senator yield again?

Mr. BYRD. I yield.

Mr. TAFT. I think there should be some different statistical organizations in different departments. I think there should be different agencies determining standards, and that they should be in different departments. In my opinion, it would be a mistake to consolidate all statistical organizations in one great Government statistical organization. I say that the fact that there are separate agencies is not an evidence necessarily of inefficiency. Perhaps those are much more efficient organizations where they are, devoted to a particular purpose which we are trying to accomplish, than if they were put in a great overhead statistical organization of the Government.

Mr. BYRD. Some of the greatest confusion that exists in Congress today is over the various statistics which are furnished, which differ one with the other, with respect to vital questions confronting the Nation. I know I cannot convert the Senator from Ohio with respect to the matter, but I merely want some of the other Senators to know again about these various duplications.

The next is the agency having to do with surplus war property; a recently created agency. No one, so far as I know, has introduced a bill to consolidate the 14 agencies which are now operating within 12 departments having to do with the disposal of surplus war property.

Mr. TAFT. Will the Senator further yield?

Mr. BYRD. I yield.

Mr. TAFT. As I understand, the law gives the Surplus Property Administrator the power to say which shall be the disposing agency. We have granted that power. I think the President tomorrow can say that there shall be only one disposal agency, if he wishes to do so. He has that power under the law as worked out by Congress.

Mr. BYRD. That certainly is legislative power. Did the Senator vote for the bill to give the President the right to reorganize all the agencies having to do with surplus property?

Mr. TAFT. Yes; because we set up one surplus property administration, and we then provided that as surplus property developed in each department it should be set aside, and that thereafter it should be subject to the rules and regulations made by the Administrator.

Mr. BYRD. In other words, the Senator voted to delegate to the President the legislative power to reorganize these 14 agencies which are dealing with surplus property.

Mr. TAFT. I do not think that was a delegation of legislative power. I am

quite prepared to give the President some discretion, within reasonable limits, but I think our responsibility is to determine the over-all skeleton outline of the Government of the United States.

Mr. BYRD. I cannot see any distinction. If the Senator is willing to vote to delegate power to the President for reorganization in one department I cannot understand why he is unwilling to vote for it in others.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. HATCH. I was merely going to supplement what the Senator from Virginia said as to this particular bill. It does give the President the very power that is so bitterly criticized and condemned as to these 14 agencies, and his action does not come back to the Congress for any review.

Mr. BYRD. And then we find the Senator from Ohio supporting that.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. TAFT. I see no reason why we should not take a particular department and say that within certain fields the President shall transfer this bureau or that bureau. I am perfectly willing to do that. I am only unwilling to let him abolish bureaus, abolish agencies, or to transfer one agency to another, when Congress has determined that the policy of the Government requires just the opposite of what it is now proposed to authorize the President to do.

Mr. HATCH. Mr. President, will the Senator again yield?

Mr. BYRD. I yield.

Mr. HATCH. Do not these various agencies go through quite a number of departments?

Mr. BYRD. Yes.

Mr. HATCH. And they are transferred from department to department, back and forth.

Mr. BYRD. In the matter of war surplus property there are 14 different agencies operating within 12 departments.

We will take labor relations: 27 agencies operating within 11 departments.

Conservation of natural resources: 20 agencies operating within 5 departments.

Rehabilitation: 24 agencies operating within 16.

If the Congress attempted, Mr. President, to reorganize in that field, the bills should go to different committees, because they would deal with different functions of the Government, and it would be impossible to secure a uniform reorganization, which is the only kind that would be valuable. It has got to be viewed from the standpoint of the whole, and I reiterate that the President is the only authority to do that, just as the governor of the State is the only person in the State who could do it. There are many ex-governors here among the membership of the Senate, and I do not believe that a single ex-governor here will deny my statement when I say that there has never been a worth-while reorganization of a single State in this Union unless it had the aggressive leadership of the governor.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. DONNELL. Is the Senator able to point to one State of the Union the legislature of which has ever delegated to the governor the legislative power which is delegated in substance by this bill?

Mr. BYRD. I do not know that I can say it has been done exactly the same as in this bill. I know there has been legislative power delegated. In Virginia legislative power was given to me for a large part of the reorganization, except for the 12 main departments which exist in Virginia, just as the 10 main departments of our Federal Government are exempted in the pending bill.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. DONNELL. Under the law of Virginia is it not true, as it is in every other State in the Union, in my judgment, that legislative power cannot be delegated to the governor or to any other official? Is that not a correct statement?

Mr. BYRD. It was given to me as Governor of Virginia to consolidate certain bureaus of the government. It was given to me to reduce the expenditures of the government arbitrarily, although appropriations had been made by the legislature. That was done. By reason of that action Virginia went through the depression with a balanced budget; indeed, it was one of three States that did so in 1929-30.

Mr. DONNELL. Mr. President, will the Senator again yield?

Mr. BYRD. I yield.

Mr. DONNELL. Is it not entirely possible for the governor to exercise a tremendous influence by the power of recommendation which is given by the constitutions of the various States, rather than by the exercise of a legislative power in effect to be delegated?

Mr. BYRD. Of course, the governor is in much closer contact with the members of the legislature than the President can be with the Members of Congress. A governor has less than one forty-eighth of the country to deal with, because the Federal Government is much more than 48 times as large as 1 State is. I am speaking of the activities of the Federal Government as contrasted with those of a State government.

Mr. DONNELL. With respect to the law of the State of Virginia, has the highest court of resort in the State of Virginia ever held that legislative power may be validly delegated by the legislative department to the executive?

Mr. BYRD. I could not answer that. There was no question whatever raised when the authority was given to the Governor to reduce expenditures. It was given by the legislature, and that was done. It was certainly a delegation of legislative power. The Senator from Missouri will agree with that statement, will he not?

Mr. DONNELL. The Senator is unable to inform the Senate of any decision of the court of highest resort in the State of Virginia to the effect that legislative

power may be delegated by the legislature to the Governor?

Mr. BYRD. I am not a lawyer, I will say to the Senator from Missouri, and I have not looked up the decisions. So far as I know, in Virginia that question was not raised. It may have been, I do not know. I left the governorship in 1930. It may have been raised since then. But there was no question about the fact that the power was exercised by the Governor. It was exercised for the efficiency and the economy and the administration of State government, and no one complained of it. The appropriations were reduced in proportion to the income. Those were the instructions which were given to the Governor, and that was done, and Virginia went through the depression with a balanced budget.

Mr. SALTONSTALL. Mr. President—The PRESIDING OFFICER (Mr. CARVILLE in the chair). Does the Senator from Virginia yield to the Senator from Massachusetts?

Mr. BYRD. I yield.

Mr. SALTONSTALL. I will say to the Senator from Virginia, in answer to the question of the Senator from Missouri, that in Massachusetts in connection with the wartime powers of the Governor in that State, where the legislature granted the very broad executive power to issue decrees and to make orders, and so forth, the supreme court of that State, if my memory is correct, said that was a proper delegation of legislative powers, providing the legislature did not completely abrogate all its powers but retained some control.

Mr. BYRD. I thank the Senator.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. TAFT. May I testify to the fact that when I went to the legislature in Ohio a complete reorganization bill was recommended by the Governor, considered by the legislature, and passed by it, and if only three States went through the depression with a balanced budget, Ohio was one of them as well as Virginia. So it can be done without the delegation of legislative power, which the Senator requests or prefers.

Mr. BYRD. And still the delegation of power did not do any harm, certainly in the case I referred to.

Mr. President, I shall not take up any more of the time of the Senate. We all know the magnitude of this great bureaucracy in Washington. There are 3,000,000 Federal employees. It is difficult to get any of them dismissed. I repeat that the President is the only person who can effect a real reorganization. We are now confronted with a condition that has never before existed in our country. We have this bloated, tremendous war machine of civilian personnel. It consists of 3,000,000 individuals in this country and 600,000 abroad, nearly 3,600,000. It is costing \$9,000,000,000 for wages and salaries alone—\$9,000,000,000, which is twice as much as the total cost of government was when I came to the Senate in 1932.

Mr. President, I have confidence in President Truman. I think he is anxious to reorganize the Government. I think

he is anxious to eliminate waste and inefficiency and duplication, and I for one am willing to trust him.

I think this bill is protected in such a way that if anything is done that is very wrong, then the Congress, by the affirmative vote of both Houses, can pass a veto measure, which will set aside any plan the President may present.

Mr. TAFT. Mr. President, will the Senator again yield?

Mr. BYRD. I yield.

Mr. TAFT. I only wanted to ask the Senator why it is he thinks that the present President would be more economical than the last President? As was stated the other day—

Mr. BYRD. The Senator asked me the exact question the other day.

Mr. TAFT. No; I do not think so.

Mr. BYRD. If the Senator will refer to the RECORD he will see what my answer was the other day.

Mr. TAFT. I do not think I asked such a question.

Mr. BYRD. I think the Senator asked me why I had more confidence in the present President than in Mr. Roosevelt, and if the Senator does not remember, I said in reply that I did not think Mr. Roosevelt was economy minded. That is nothing new. I have stated that time and again. Furthermore, in justification, I said that in 1939 when he was given this power, the war was imminent and he did not have a fair chance to reorganize.

Mr. TAFT. But what I wish to ask now is, What is it about any policy the President has proposed which leads the Senator to believe that he is for economy? Has he not endorsed every program for spending that anyone has suggested?

Mr. BYRD. I am not going to be involved in that discussion. The Senator from Ohio is entitled to his views about it. I say that I believe—and I can only use my own judgment, based on my own conscience—I believe President Truman will reorganize. I believe he will do a good job. I have talked with him about it.

Mr. TAFT. I am asking the Senator why he thinks the present President will save money any more than was saved by past reorganizations?

Mr. BYRD. I make up my mind by my own mental methods. I have confidence in the President. I do not know whether the Senator from Ohio has or not, but I have. I believe he will do what he said he would do. He told me he would do it, and I am supporting this bill with confidence on my part that the President will do a good job with respect to reorganization.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. TAFT. The Senator does not agree with the President's recommendation for a 20-percent increase in all salaries, does he?

Mr. BYRD. I do not agree with him in that recommendation. Neither do I agree with his recommendation with respect to an unemployment-compensation allowance of \$25 a week for 26 weeks. But that does not mean that I do not have confidence in the statement which

he made to me, that he intended to reorganize the Government for economy and efficiency.

Mr. HATCH. Mr. President, I wish to speak very briefly about some of the points which I think are involved in the pending measure. The other day on the floor of the Senate I tried to make myself clear. I understand that the Senator from Missouri [Mr. DONNELL] has made some reply to the argument which I attempted to make. Unfortunately I was not present and did not hear the able Senator from Missouri, and I have not yet had an opportunity to read the RECORD. However, there are one or two points which I wish to reiterate.

First of all, in my argument the other day I mentioned the question of constitutionality. I stated that the technical construction which is so often indulged in by men did not concern me in the least, so far as as it related to this measure. I said that because so often men have technically and erroneously construed the Constitution, and I cannot be very much interested in their construction. I yield to no man in my deep affection for the Constitution itself, and my desire to abide by its principles.

What I meant, and what I repeat, is that I do not believe that the constitutional question is involved at all. It is agreed by everyone that power of this kind may be delegated. I think the Senator from Missouri agrees to that statement. At least he did in the argument which he made the other day. I do not know what he said yesterday. I believe that he agrees to that statement, provided proper standards are set up. So the question is whether or not the standards in the bill are sufficient. That is really the only question involved, so long as standards are actually set up.

The pending bill does contain standards. There are commands; there are prohibitions; there are restrictions, limitations, exemptions, and exceptions, all amounting to standards. To my mind the standards set up in the bill go far beyond the ordinary standards provided in bills of this kind. If so, there is no question about their sufficiency. While I have not searched the cases carefully, my recollection is that only one law has ever been held to be bad because of insufficiency of standards. That was the National Industrial Recovery Act, involved in the Schechter decision. I believe that is a correct statement. If it is not correct, I should like to be corrected. I believe that was the only case in which any law was ever held to be bad because of insufficiency of standards.

With respect to the delegation of legislative power, I have said that there is much confusion. There is a great deal of confusion among lawyers and among courts. Some day absolutely that legislative power cannot be delegated. But every one of us who has had any experience with legislation or with the departments knows that nearly every bill relating to a department carries with it the express power giving the department authority to issue regulations and rules, and such regulations and rules are given the force and effect of law. In many cases violation of the rules and regulations is even made punishable by fine and

imprisonment. We never see the rules and regulations, which amount to law, for the violation of which men actually go to jail, have their property taken from them, and have heavy fines and penalties assessed against them. I believe that that is too often done. I do not like that type of legislation. If I could, I would make every rule or regulation promulgated by any department reviewable by Congress, and require the sanction of Congress before it became effective. But such drastic laws are enacted, and they are upheld by the courts. For that reason, without meaning to speak offensively, it seems to me that we are quibbling over this question. I believe that we ought to determine, first, whether the standards are sufficient. If they are, then that question is removed.

As to the question of the power of Congress itself to reorganize, I said the other day, and I repeat, that I think it is the primary obligation of Congress itself to enact legislation to reorganize the various departments. If I believed for one moment that Congress would do the job, I would not be in favor of the pending legislation. I would say, "Let us do it, because we are the ones who ought to do it." But the experience of more than 100 years proves that the Congress cannot and will not do it. The Senator from Missouri quoted Patrick Henry, who said that he had but one lamp by which his feet were guided, and that was the lamp of experience. The experience of more than 100 years is that Congress simply cannot and will not do it. It has been tried. It is a practical question. If we can or will do it, by all means let us do it. But how many Senators are now in the Chamber listening to this debate? How many Senators listened to the Senator from Missouri yesterday? I was unable to be present to hear him. I was one of the absentees, engaged in other business, just as many other Senators are now engaged in other business. I am sure that he made a very able address. I am sure that he explored the subject and tried to do his level best for his country. But how many Senators heard his address yesterday? I should say not more than half a dozen. That is no reflection on the Senator from Missouri, and it is no reflection on the Members who were absent. We are busy with countless duties which prevent our staying here and listening to the debate, which should be listened to. I wish that every Senator could remain in the Chamber throughout all the debates. I believe that discussion should be full, free, and complete, and that we should listen to one another; but we do not.

In the light of the actual practical situation which confronts us, does any Senator believe that Congress can or will reorganize the vast multitude of executive agencies? My answer is "No." My answer is that it cannot do so, and that the job will not be done by Congress. I do not mean to speak disparagingly of the Congress or of the Senate committee; but the other day I pointed out that the exemptions made in the bill are inconsistent and inconclusive. Some were put in the bill without rhyme or reason. An attempt is made to exempt

all quasi-judicial agencies, but some are left outside; and the one strictly judicial agency, The Tax Court, is not even mentioned. That is a sloppy, haphazard job, done in my own committee, and I have my own share of responsibility for it. I could not examine into all the departments shown on the chart on the wall. I cannot do it now, and I cannot do it a year from now. Neither can any other Senator; and yet, on the question of exemptions, if in the discharge of our duty, we are to adopt a pattern really designed to guide the President, we should say that we do not wish certain agencies touched. The Senator from Ohio [Mr. TAFT] is not now in the Chamber. Every day he has been calling attention to certain things which the Congress recently approved, and which the President ought not to touch. There are certain agencies which we do not want him to touch. We do not want him to reorganize them. If we are to establish a pattern for the guidance of the President, and some agencies ought not to be reorganized, then we ought to set forth every one of them most carefully. We ought to specify every agency which we do not think ought to be touched. We should say to the President, "This is our pattern. These agencies ought not to be touched. As to all the others, there is where we think organization should be brought about." That would be a guide and a pattern which the President ought to have. It would be a good thing for him to have. But we have not even done that. That is the reason why I oppose the exemptions now provided for in the bill. I would gladly exempt every agency which Congress agrees should be exempted if we were to make a thorough job of it. But I do not want to do it by piecemeal. I do not want to restrict the President in part and impliedly say, in effect, as to all the others which we want reorganized, "All right; go ahead and do it." So I make these remarks to show the ineffectiveness of our power and ability to consider this enormous task.

Mr. President, let me say one more word. I see the Senator from Nebraska [Mr. WHERRY] standing and seeking recognition, and I shall not detain him much longer. I simply wish to say that I am desperately in earnest about reorganizing the executive branch of the Federal Government. I think the waste, confusion, and extravagance are terrible. I do not believe there is a business in the country, not even the largest, which could avoid going into bankruptcy within 30 days if its affairs were conducted as are the affairs of government. Our responsibility is to enact the best and most practical legislation we can enact to accomplish the desperately needed reorganization.

Mr. President, with the amendment of the Senator from Virginia adopted as a part of the bill, I shall vote for the bill, because I believe it does at least approach some practical manner of attempting reorganization. To me it is not a question of politics. The aisle in the center of the Senate Chamber has nothing to do with it. The Republicans during their years of administration have been just as guilty as have the Democrats re-

garding the confusion which exists, and Democrats have been just as guilty as Republicans have. It is a problem for us all. So I have no hesitancy in voting for the adoption of the amendment of the Senator from Virginia.

During the debate it was pointed out that perhaps one party might control one branch of the Government, that—unfortunately as it might be—the Republicans might obtain control of the House of Representatives at a time when the Senate would be controlled by the Democrats, and that if there were Republican control of the House of Representatives and Democratic control of the Senate, one side might deliberately try to obstruct the work of reorganization. Mr. President, I think that is a very low opinion of the Members of either branch of the Congress. I do not hold that view. I do not think that possibility presents any danger whatever.

I think the problem is one of patriotic consideration of the welfare of our country, without regard to political considerations. Even if the Republicans should win control of the House of Representatives—although I am quite sure they will not do so—I would still have faith that we could obtain adequate approval or disapproval under the plan submitted by the Senator from Virginia.

Mr. President, I have concluded. I am through, I say to the Senator from Nebraska:

THE COST-ABSORPTION POLICY OF OPA

Mr. WHERRY. Mr. President, I definitely regret that I am compelled to discuss a subject other than the pending measure, and I extend my apologies to the distinguished junior Senator from Utah who is sponsoring the reorganization bill. However, I must take a few minutes to discuss a question which is entirely foreign to the matter which has been under consideration.

I have waited several days to make this statement. In view of the fact that I anticipate that I shall have to be absent from the Senate tomorrow, at this time I request unanimous consent that I may be excused from the session of the Senate tomorrow if I find it necessary to be absent.

The PRESIDING OFFICER. Without objection, consent of the Senate is granted.

Mr. WHERRY. I wish to state now that since I have been a Member of the Senate it has fallen to my lot to work as a minority member with the majority on the Small Business Committee. At times I have felt that we have not made a sufficient number of reports, because almost daily we receive messages and letters from small businessmen or from persons in some segment of an industry here or there stating that they desire to have relief. Many times we have gone to the Government agencies concerned—the WPB, in regard to priorities; or the Office of Price Administration in regard to prices—and have secured relief. But in many other cases we have not secured relief, and concerning them no reports have been filed. With the helpers we have on the Small Business Committee, it would be impossible to file a report each and every time a com-

plaint was received. But oftentimes we get to a place where the Complaints Subcommittee, of which the junior Senator from Tennessee [Mr. STEWART] is chairman—and I am serving with him—holds hearings on prices or priorities which affect a complete segment of an industry from coast to coast.

I stayed in Washington until August 22 listening to evidence presented to the Small Business Committee by different segments of industry which were requesting relief. Included among them were the aluminum interests who were requesting relief in connection with the distribution or sale of defense plants. Relief was also requested in connection with housing ceilings, meat ceilings, and meat quotas, brooms, and many others. In fact, I was absent from Washington less than 10 days during the summer recess. I was helping to iron out some of the problems which have been affecting industry throughout the country. I asked for the assignment, and I am not complaining because of the amount of work I was called upon to do.

I may say that the Office of Price Administration and other agencies have at times heeded our advice and at times they have gone absolutely contrary to the suggestions which have been made not only by the Small Business Committee of the Senate but by the Small Business Committee of the House of Representatives. When the Administrator of the Office of Price Administration does that, I see no other chance to obtain relief except to bring our problem to the Senate floor, and to see to it that the Senate itself not only becomes acquainted with the facts but also has the final word of Government agencies regarding the determination of policy.

I agree with what the Senator from New Mexico said a moment ago about the difficulty of getting Senators to remain on the floor of the Senate. The trouble because of absenteeism is not that Senators wish to be absent. It is simply a matter of having too many conflicting duties. Today five Senators are absent in connection with the funeral of the late Honorable John Thomas of Idaho, whose body is being borne to his own State. I have always had the highest regard for Senator Thomas, and only wish that I, too, could attend the service. Two Senators are absent attending the funeral of the late Representative Mott, of Oregon, another public servant for whom I entertained the highest respect. Today the Pearl Harbor Investigation Committee is in session, and that requires certain Members of the Senate to be absent from the floor of the Senate this afternoon. Furthermore, there is the regular committee work. For instance, yesterday afternoon a meeting of the Appropriations Committee caused many Members of the Senate to be absent from the floor of the Senate. It has become increasingly difficult, as I, as whip on the minority side can testify, to get Senators to remain on the floor of the Senate where they may hear the debate and may come to know of the need for corrective legislation. For instance, we need particularly to help in connection with the problems of reconversion and

ing than interference with income. I can best illustrate it by telling a little incident having to do with a man who throughout the war had been an automobile dealer and had managed to survive. He had no automobiles to sell. He could not buy any. There was none for him to obtain, but nevertheless he managed to survive. His hope was that within the next 6 or 8 months he would receive a reasonable number of automobiles. Then along came the strike and the participation by Government in the strike in a namby-pamby way, unwilling to meet the issue head on, with the result that factories have been closed down, and there are no automobiles for dealers to obtain. The man to whom I have referred came to Washington and found out, as it was so well put by the distinguished Senator from Nebraska, that if, as, and when he obtains automobiles, the income which he had figured on will be taken away from him. In other words, his contract is to be taken away from him. If there is anything which America stands for, it is the inviolability of contract, the Anglo-Saxon concept of which is referred to in the Constitution. We now find that the power to regulate, which has been given to Mr. Bowles, is the power to destroy.

Mr. President, someday soon that question will be taken to the Supreme Court of the United States and then, I think, it will be ascertained definitely and clearly that the power to regulate must be reasonable, and that it does not include the power to destroy. It does not include, as was well put by the distinguished Senator from Nebraska, the power to violate a valid contract.

Mr. President, the man who came to Washington was discouraged. Nevertheless he had pulled through the war. Now he is not receiving cars. However, if and when he starts receiving them, his profits are to be taken away from him. By whom? By an agency of the Government which he has supported. One of his sons who fought in the war is dead and another one was injured. The father of those sons bought Government bonds, but he found out all of a sudden that he could not make a go of his business.

During the war the wages in his little automobile shop increased. His best mechanics were taken from him by the draft or left to work in war industries. He was required to employ inexperienced men. However, Mr. President, he went through those conditions victoriously, and now, when there is a chance to recuperate his losses after having used his surplus, he gets this blow. I looked into that man's eyes and saw something, Mr. President, that I do not like to see in the eyes of the small businessmen of this country. I saw an unpoised mental status, if you please, and a hatred because Government itself would give him no consideration.

Mr. President, why does Mr. Bowles take the attitude which he takes in relation to the lumber and automobile dealers? It has been said that he takes such attitude because the President has so directed. Why? Because of the danger of inflation?

Let us see. Let us assume that because of equitable treatment automobiles

will cost 5 percent more than their present price. Let us assume further that a car which cost \$1,200 during normal times will sell for 5 percent more, or \$1,260. Is that inflation? Well, we have a \$140,000,000,000 pressure. Take \$60,000,000,000 off that pressure and it is not inflation; it is deflation. It is taking away from the purchasing power that amount of money.

But, Mr. President, that is not the question. The question is, What is fair and equitable? We do not want our Government administrators to prove themselves to be square pegs in round holes. We want them to demonstrate that they are men of judgment and reason. We do not want any more automobile dealers—such as the man to whom I have referred who had gone through the war period doing everything that he could to aid his country—to find all at once that their Government is “cracking” at them from underneath. In other words, does this Government at long last have within it another government?

I am not saying what the wages in the factories should be. I do not have sufficient facts at hand in order to make a statement with regard to that subject. I assert that the laborer is worthy of his hire. But, as so eloquently suggested by the distinguished Senator from Nebraska, the laborer is found not only in the factory. Most of the Senators in this body are laboring men. We labor from 70 to 80 hours a week. We have no 40-hour week. Very well; the laborer is worthy of his hire. What about the lumber merchant? What about the automobile dealer? Both have been staunch and patriotic men. They gave their sons, their profits, and their surpluses during the war period. What is the reason for them being given the “undercut”?

Mr. President, we all know that millions of small businessmen were compelled to go out of business during the war. They went out of business because they could not get necessary materials, could not obtain necessary support, and could not obtain customers. It is now apparent that it is the purpose of the Government to put other small businessmen out of business under the fallacious plea that to give them support will be to invite inflation. It appears that it is not inflation to increase the salaries of millions of men, but it is inflation to give the small businessman a chance to live, breathe, and have his being in America.

Mr. President, my hope is that Mr. Bowles will see the light, that the remarks which have been made by Senators on the floor today will cause him to view the situation from a different angle than that from which he has been viewing it, and that he will recognize that he is not to serve merely one segment of this great Republic but that there are other segments besides the PAC which must be served. That statement is intended as no reflection upon labor in any branch of industry.

REORGANIZATION OF GOVERNMENT AGENCIES

The Senate resumed the consideration of the bill (S. 1120) to provide for the

reorganization of Government agencies, and for other purposes.

Mr. WILEY. Mr. President, I wish to speak for only a few minutes on the pending bill. I wish to state what my position is in relation to the bill.

I was not a member of the subcommittee which reported the bill to the Judiciary Committee of the Senate, but I am a member of the Judiciary Committee. After hearing the discussion which took place in the committee, I suggested that instead of reporting the bill to the Senate the committee should adopt a general resolution calling upon the President of the United States to submit to the Congress a bill or bills in relation to reorganization of the executive branch of the Government.

It has been stated on the floor of the Senate that if we pass the pending bill it will reverse the ordinary constitutional process. I believe that statement to be correct. It has been stated also on the floor of the Senate that the Congress cannot reorganize the executive branch, that to do so necessarily requires action of the Executive. I cannot fully agree with that conclusion, but I do agree that the Executive has not taken any particular steps in the right direction.

It has also been stated on the floor of the Senate that the President is the proper authority to accomplish reorganization. In my opinion, the President cannot do so. He must delegate matters to individuals in order to ascertain what should be done. If the Congress would appoint a committee to study the matter, the committee could, of course, set forth in a bill or a resolution the result of its own findings.

At present, the President of the United States has great power which, in part, he has exercised, but as I interpret the word “reorganization” it does not mean merely the transfer of one agency or several agencies back and forth, as has been done in the past. I think what the people of the country want and what they are entitled to have, is a gradual demobilization—not reorganization—of executive agencies which have grown since the early days of President Roosevelt's administration from 700,000 to more than 3,000,000.

Mr. President, I intend to vote for the bill, because if the bill is not passed much propaganda will be spread over the country to the effect that Congress does not want any reorganization. Let me say parenthetically that Congress wants to demobilize, wants to reorganize, it wants to get rid of bureaucracies, and the great and unnecessary overhead which is weighing down the administrative branch of the Government.

In my humble opinion, the title of this bill is a misnomer, just as the title of the full employment bill is a misnomer. The latter title gave the impression that by passing legislation we could bring about full employment. Every reasonable man knows that is not so. We will not bring about reorganization merely by passing the pending bill, but we will lay the whole matter in the lap of the President, and that is important. We had better once for all put it on the doorstep of some one who is responsible. That is why I shall vote for the bill.

Mr. President, I wish to take a moment to discuss what I think is the appropriate way to get results. As I see it, the right way to get reorganization and demobilization of the executive departments would be for the President to set up a number of small committees of efficiency experts to investigate the various departments. Let us take the Department of Agriculture, for instance. When Henry Wallace left the Department of Agriculture it was costing the Government about \$1,300,000,000. That is the way he reorganized it—upward. If the President were to employ some efficiency experts from the leading business institutions of America—he could obtain them by loan—constitute a committee of three men of judgment, men of vision, put them into a department, and let them go over it with a fine tooth comb, not to demobilize the department entirely, but to get rid of the ineffectives, the loafers, the duplicators, they could in a short time come to certain conclusions, which they could make known to the President.

If such a course were followed in other departments, in a very short time the President would have a concrete, definite basis on which he could submit a plan to the Congress. Of course it will take courage, in the face of an election, but if the President will manifest the courage, he will never regret it. The people want definite, clear-cut, concrete plans. We might say to the President, "You cannot go into the departments, Mr. President, and get politicians to do the job; you cannot get department heads to do it, because they have been credited with 'blowing up' their departments." That is the way they built themselves up, in many cases that is the way they built up their salaries, and Senators know that that condition has existed.

There is nothing prohibiting the President of the United States even now doing what I am suggesting. The bill we are considering, no matter what its provisions, cannot in the slightest degree take from the President his constitutional Executive power, and all the talk about reorganization, demobilization, or what not is largely hot air until the Executive employs men under his direction to get the facts and make the recommendations.

Suppose the President were to go to the Department, which is under Mr. Ickes—and that is another one where this procedure could be beneficially applied—suppose he were to say to Secretary Ickes, "I want you to get some efficiency experts to go through your department and make recommendations as to where the Government could efficiently save money." It is very apparent that if this course were followed and men at the head of the departments were praised for efficiency and demobilization and reconstruction, instead of getting credit for swelling up their organizations, beneficial results would accrue.

Certainly the efforts at demobilization by the President's Bureau of the Budget thus far have been unavailing. That is something to think about. What has the President done? In 1932 a President was elected on the promise to the

country that there were too many bureaucrats, and that he was going to get rid of them. It was President Roosevelt who made that promise. We heard here the other day on the floor of the Senate, I think from the distinguished Senator from New Mexico, that Congress cannot reorganize, that through decades and decades it has done nothing. It can be seen that wherever the bureaucrats have increased in number that cannot be charged against the legislative branch. That is the result of a natural fungus growth in bureaus.

This bill presents an opportunity to the President of the United States, and that is why I shall vote for it. I want him to seize the opportunity. I want him to demonstrate what he can do. Here is a man who has the courage and the vitality to do things, who sees that we have to meet not only the interest on \$300,000,000,000 of indebtedness but that we have to maintain an adequate defense, that there must be efficiency in all branches of the Government, and that we cannot afford to waste the people's hard-earned tax dollars. Therefore he wants to get rid of the loafers, the chiselers, the leaners, and the duplicators in Government. That is why I shall vote for the bill.

Mr. President, while we are discussing reorganization and saving the Government's money, it would be very appropriate, in view of the \$300,000,000,000 indebtedness we are facing, that the same procedure be followed in relation to the armed forces. My own personal opinion is that the discovery of atomic energy and the atomic bomb calls for an analysis—a thorough, penetrating analysis—of what will be necessary to keep America safe in the future. We must have men like "Billy" Mitchell, who have farsighted vision. We need them now more than ever. It has been estimated that it will cost us \$12,000,000,000 a year to maintain an appropriate defense mechanism. This estimate was made before the atomic bomb was in the picture.

There must now be a revaluation of the whole set-up. We cannot go ahead and squander the people's money on outmoded and unnecessary equipment which was first-class yesterday, but which because of the new atomic age we are living in, may have become obsolete or unnecessary today. We must reorient our thinking. This calls for another type of efficiency expert—the best, far-seeing brains in our Army, Navy, Air Forces, and among our scientists. Until this is done, until we learn the answer, how can we safely, realistically, and honestly answer the question as to conscription?

Is conscription necessary? Is it less so or more so than it was, and why? Frankly, I want the truth, and the truth can only come from men who have the vision of a Billy Mitchell, who can look ahead and see what the future has in store.

When we think of the interest on a debt of \$300,000,000,000, I repeat, it takes no genius to see that if we can save billions of dollars in the executive departments and save billions of dollars in the Army and Navy, if it is feasible and practicable to save, it will make more certain the balancing of the Budget, and main-

tain the status of our bonds as the best investment in the world.

ATOMIC ENERGY—AGREED DECLARATION BY THE PRESIDENT AND THE PRIME MINISTERS OF THE UNITED KINGDOM AND CANADA

Mr. McKELLAR. Mr. President, on November 1 I delivered a very short address in this body in which I recommended that the atomic bomb be not used in warfare. I also introduced a joint resolution to outlaw it as a weapon to be used in war. I also took the position that we should use atomic energy for civilian and industrial purposes to the last limit, and increase our investigations and researches in reference to it, and make it of the greatest possible value to the people of the world.

In somewhat a different way, but moving toward the same end, this morning a statement was given out by President Truman and by the Prime Minister of the United Kingdom, and the Prime Minister of Canada, which virtually takes the same position. I read section 2 of that statement:

2. We desire to emphasize that the responsibility for devising means to insure that the new discoveries shall be used for the benefit of mankind, instead of as a means of destruction, rests not on our nations alone, but upon the whole civilized world. Nevertheless, the progress that we have made in the development and use of atomic energy demands that we take an initiative in the matter, and we have accordingly met together to consider the possibility of international action—

(a) To prevent the use of atomic energy for destructive purposes.

And to that I most heartily agree—

(b) To promote the use of recent and future advances in scientific knowledge, particularly in the utilization of atomic energy, for useful and humanitarian ends.

Mr. President, it seems to me that is a very clear statement. When I made my address 2 weeks ago I thought we should take the lead in securing international agreement respecting atomic power, inasmuch as we had invented the means of using atomic energy, after centuries of effort along that line. I think the first attempt to invent a means for using atomic energy was in the time of Alexander the Great, in Macedonia, some 2,300 years ago. It was afterward attempted by the Romans, and it has been attempted by various other peoples since. But it was found by American effort and the expenditure of \$2,700,000,000 of American money. It seems to me that under those circumstances the United States might well take the lead, and I am glad that our President is taking the lead to that end.

I believe the only practical way to settle the question of atomic energy is for this country to take the lead and secure an international agreement that the atomic bomb shall not be used in warfare, but that atomic energy shall be used for the peaceful purposes of mankind.

I have every confidence that in the end some such scheme will work out. While I do not agree with all the statements made in the release given out this morning, I do agree with the main purpose. I thoroughly and heartily agree with it. For that reason I ask unanimous consent

that as a part of my remarks the statement may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ATOMIC ENERGY—AGREED DECLARATION BY THE PRESIDENT OF THE UNITED STATES, THE PRIME MINISTER OF THE UNITED KINGDOM, AND THE PRIME MINISTER OF CANADA

The President of the United States, the Prime Minister of the United Kingdom, and the Prime Minister of Canada, have issued the following statement:

"1. We recognize that the application of recent scientific discoveries to the methods and practice of war has placed at the disposal of mankind means of destruction hitherto unknown, against which there can be no adequate military defense, and in the employment of which no single nation can in fact have a monopoly.

"2. We desire to emphasize that the responsibility for devising means to insure that the new discoveries shall be used for the benefit of mankind, instead of as a means of destruction, rests not on our nations alone, but upon the whole civilized world. Nevertheless, the progress that we have made in the development and use of atomic energy demands that we take an initiative in the matter, and we have accordingly met together to consider the possibility of international action—

"(a) To prevent the use of atomic energy for destructive purposes.

"(b) To promote the use of recent and future advances in scientific knowledge, particularly in the utilization of atomic energy, for peaceful and humanitarian ends.

"3. We are aware that the only complete protection for the civilized world from the destructive use of scientific knowledge lies in the prevention of war. No system of safeguards that can be devised will of itself provide an effective guaranty against production of atomic weapons by a nation bent on aggression. Nor can we ignore the possibility of the development of other weapons, or of new methods of warfare, which may constitute as great a threat to civilization as the military use of atomic energy.

"4. Representing, as we do, the three countries which possess the knowledge essential to the use of atomic energy, we declare at the outset our willingness, as a first contribution, to proceed with the exchange of fundamental scientific information and the interchange of scientists and scientific literature for peaceful ends with any nation that will fully reciprocate.

"5. We believe that the fruits of scientific research should be made available to all nations, and that freedom of investigation and free interchange of ideas are essential to the progress of knowledge. In pursuance of this policy the basic scientific information essential to the development of atomic energy for peaceful purposes has already been made available to the world. It is our intention that all further information of this character that may become available from time to time shall be similarly treated. We trust that other nations will adopt the same policy, thereby creating an atmosphere of reciprocal confidence in which political agreement and cooperation will flourish.

"6. We have considered the question of the disclosure of detailed information concerning the practical industrial application of atomic energy. The military exploitation of atomic energy depends, in large part, upon the same methods and processes as would be required for industrial uses.

"We are not convinced that the spreading of the specialized information regarding the practical application of atomic energy, before it is possible to devise effective, reciprocal, and enforceable safeguards acceptable to all nations, would contribute to a constructive solution of the problem of the

atomic bomb. On the contrary we think it might have the opposite effect. We are, however, prepared to share, on a reciprocal basis with others of the United Nations, detailed information concerning the practical industrial application of atomic energy just as soon as effective enforceable safeguards against its use for destructive purposes can be devised.

"7. In order to attain the most effective means of entirely eliminating the use of atomic energy for destructive purposes and promoting its widest use for industrial and humanitarian purposes, we are of the opinion that at the earliest practicable date a Commission should be set up under the United Nations Organization to prepare recommendations for submission to the Organization.

"The Commission should be instructed to proceed with the utmost dispatch and should be authorized to submit recommendations from time to time dealing with separate phases of its work.

"In particular the Commission should make specific proposals:

"(a) For extending between all nations the exchange of basic scientific information for peaceful ends,

"(b) For control of atomic energy to the extent necessary to insure its use only for peaceful purposes,

"(c) For the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction,

"(d) For effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions.

"8. The work of the Commission should proceed by separate stages, the successful completion of each one of which will develop the necessary confidence of the world before the next stage is undertaken. Specifically, it is considered that the Commission might well devote its attention first to the wide exchange of scientists and scientific information and as a second stage to the development of full knowledge concerning natural resources of raw materials.

"9. Faced with the terrible realities of the application of science to destruction, every nation will realize more urgently than before the overwhelming need to maintain the rule of law among nations and to banish the scourge of war from the earth. This can only be brought about by giving wholehearted support to the United Nations Organization and by consolidating and extending its authority, thus creating conditions of mutual trust in which all peoples will be free to devote themselves to the arts of peace. It is our firm resolve to work without reservation to achieve these ends.

"HARRY S. TRUMAN,

"President of the United States.

"C. R. ATTLEE,

"Prime Minister of the United Kingdom.

"W. L. MACKENZIE KING,

"Prime Minister of Canada.

"THE WHITE HOUSE,

"The city of Washington, November 15, 1945."

Mr. HATCH. Mr. President, I desire to call attention to another part of the release to which the Senator from Tennessee has just referred. To me it is most significant and points to the only possible road to follow so that atomic energy shall not be used for destructive purposes, and also that other instrumentalities of death and destruction now unknown and perhaps in the offing, which may go even beyond or at least equalize the atomic bomb, shall not be used for destructive purposes. The sentence which I wish to point out, which I

believe is of the greatest significance is this:

3. We are aware that the only complete protection for the civilized world from the destructive use of scientific knowledge lies in the prevention of war.

That is the first sentence of the third paragraph, Mr. President, and in that brief sentence lies the hope of mankind. The failure to achieve that purpose will mean the doom of all civilization.

REORGANIZATION OF GOVERNMENT AGENCIES

The Senate resumed the consideration of the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Virginia [Mr. BYRD] which is offered as a substitute for the amended amendment of the Senator from Missouri [Mr. DONNELL] as modified.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Andrews	Hart	Murdock
Austin	Hatch	Myers
Ball	Hawkes	O'Daniel
Barkley	Hayden	O'Mahoney
Bilbo	Hickenlooper	Overton
Bridges	Hill	Radcliffe
Bushfield	Hoey	Russell
Byrd	Huffman	Saltonstall
Carville	Johnson, Colo.	Shipstead
Chavez	Kilgore	Smith
Connally	Knowland	Stewart
Cordon	La Follette	Taft
Donnell	McClellan	Thomas, Okla.
Downey	McKellar	Tunnell
Eastland	McMahon	Tydings
Ellender	Magnuson	Vandenberg
Ferguson	Mead	Walsh
Fulbright	Millikin	Wheeler
Green	Mitchell	Wherry
Guffey	Moore	Wilson
Gurney	Morse	Young

The PRESIDENT pro tempore. Sixty-three Senators have answered to their names. A quorum is present.

The question is on agreeing to the amendment of the Senator from Virginia [Mr. BYRD] proposed as a substitute for the amendment of the Senator from Missouri [Mr. DONNELL], as modified, inserting certain language in lieu of section 4 (a). On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. TAFT. As I understand, a vote of "yea" is a vote in favor of the Byrd substitute, and a vote of "nay" is a vote in favor of the Donnell amendment as originally offered?

The PRESIDENT pro tempore. That is correct.

The legislative clerk proceeded to call the roll.

Mr. BRIDGES (when his name was called). I have a general pair with the Senator from Utah [Mr. THOMAS]. I transfer that pair to the Senator from Delaware [Mr. BUCK], and, therefore, I am at liberty to vote. I vote "nay."

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from Arizona [Mr. McFARLAND] is absent because of illness in his family.

The Senator from Utah [Mr. THOMAS] has been appointed a delegate to the International Labor Conference in Paris, and is therefore necessarily absent.

The Senator from Montana [Mr. MURRAY] is attending the conference in London to consider the creation of an educational and cultural organization of the United Nations.

The Senator from Nevada [Mr. McCARRAN] and the Senator from Florida [Mr. PEPPER] are detained on official business.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Missouri [Mr. BRIGGS], the Senator from Rhode Island [Mr. GERRY], and the Senator from New York [Mr. WAGNER] are necessarily absent.

The Senators from South Carolina [Mr. JOHNSTON and Mr. MAYBANK] are attending, with the Secretary of Agriculture, an important regional agricultural conference at Clemson College, Clemson, S. C.

The Senator from Idaho [Mr. TAYLOR] is a member of the committee on the part of the Senate attending the funeral of the late Senator Thomas of Idaho, and is therefore necessarily absent.

The Senator from Illinois [Mr. LUCAS] and the Senator from Georgia [Mr. GEORGE] are detained at a meeting of the Joint Committee on the Investigation of the Pearl Harbor Attack.

The Senator from South Carolina [Mr. JOHNSTON] is paired on this question with the Senator from Indiana [Mr. WILLIS]. I am advised that if present and voting, the Senator from South Carolina would vote "yea," and the Senator from Indiana would vote "nay."

The Senator from South Carolina [Mr. MAYBANK] is paired on this question with the Senator from Illinois [Mr. BROOKS]. I am advised that if present and voting, the Senator from South Carolina would vote "yea" and the Senator from Illinois would vote "nay."

I further announce that the Senator from Alabama [Mr. BANKHEAD] has a general pair with the Senator from Nebraska [Mr. BUTLER] and the Senator from New York [Mr. WAGNER] has a general pair with the Senator from Kansas [Mr. REED].

I am advised that if present and voting, the Senator from North Carolina [Mr. BAILEY], the Senator from Missouri [Mr. BRIGGS], the Senator from Georgia [Mr. GEORGE], the Senator from Rhode Island [Mr. GERRY], the Senator from Illinois [Mr. LUCAS], the Senator from Montana [Mr. MURRAY], the Senator from Florida [Mr. PEPPER], the Senator from Idaho [Mr. TAYLOR], the Senator from New York [Mr. WAGNER], and the Senator from Utah [Mr. THOMAS] would vote "yea."

Mr. WHERRY. The Senator from Vermont [Mr. AIKEN] has been excused until November 20 for reasons heretofore stated.

The Senator from Illinois [Mr. BROOKS], who would vote "nay," has a pair with the Senator from South Carolina [Mr. MAYBANK], who would vote "yea." The Senator from Illinois is a member of the Senate committee attending the funeral of the late Senator Thomas of Idaho.

The Senator from Nebraska [Mr. BUTLER] is a member of the Senate committee attending the funeral of the late Senator Thomas of Idaho. He has a general pair with the Senator from Alabama [Mr. BANKHEAD].

The Senator from Indiana [Mr. CAPEHART] is unavoidably absent because of injuries resulting from an accident.

The Senator from North Dakota [Mr. LANGER] and the Senator from Wyoming [Mr. ROBERTSON] are members of the Senate committee attending the funeral of the late Senator Thomas of Idaho.

The Senator from West Virginia [Mr. REVERCOMB] and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

The Senator from New Hampshire [Mr. TOBEY] and the Senator from Delaware [Mr. BUCK] are necessarily absent.

The Senator from Indiana [Mr. WILLIS] is necessarily absent. He has a pair on this question with the Senator from South Carolina [Mr. JOHNSTON]. The Senator from Indiana would vote "nay," and the Senator from South Carolina would vote "yea," if present.

The Senator from Maine [Mr. BREWSTER] is detained at a meeting of the Pearl Harbor Investigating Committee.

The Senator from Kansas [Mr. CAPPER] is detained on official business.

The Senator from Kansas [Mr. REED], who is detained on official business, has a general pair with the Senator from New York [Mr. WAGNER].

The vote was announced—yeas 37, nays 26, as follows:

YEAS—37

Andrews	Hatch	Murdock
Barkley	Hayden	Myers
Bilbo	Hill	O'Mahoney
Byrd	Hoy	Overton
Carville	Huffman	Radcliffe
Chavez	Johnson, Colo.	Russell
Connally	Kilgore	Stewart
Downey	McClellan	Thomas, Okla.
Eastland	McKellar	Tunnell
Ellender	McMahon	Tydings
Fulbright	Magnuson	Walsh
Green	Mead	
Guffey	Mitchell	

NAYS—26

Austin	Hawkes	Shipstead
Ball	Hickenlooper	Smith
Bridges	Knowland	Taft
Bushfield	La Follette	Vandenberg
Cordon	Millikin	Wheeler
Donnell	Moore	Wherry
Ferguson	Morse	Wilson
Gurney	O'Daniel	Young
Hart	Saltonstall	

NOT VOTING—31

Aiken	Gerry	Revercomb
Bailey	Glass	Robertson
Bankhead	Johnston, S. C.	Taylor
Brewster	Langer	Thomas, Utah
Briggs	Lucas	Tobey
Brooks	McCarran	Wagner
Buck	McFarland	White
Butler	Maybank	Wiley
Capehart	Murray	Willis
Capper	Pepper	
George	Reed	

So Mr. BYRD's amendment, proposed as a substitute for Mr. DONNELL's amendment, as modified, was agreed to.

Mr. LUCAS subsequently said: Mr. President, I was unavoidably absent attending the Pearl Harbor hearing when the vote was taken on the amendment offered by the distinguished Senator from Virginia [Mr. BYRD]. Had I been present, I would have voted "yea."

The PRESIDING OFFICER (Mr. TUNNELL in the chair). The question now is on agreeing to the amendment of the Senator from Missouri [Mr. DONNELL], as amended, proposed as a substitute for section 4 (a) of the committee amendment.

Mr. TAFT. Mr. President, on that question I shall ask for a yea-and-nay vote. The issue now is a very simple one. Apparently the Senate is satisfied with the constitutionality of the method of permitting the President to effect reorganizations and then to have the reorganizations vetoed by two Houses of Congress. I myself do not agree with that interpretation. However, we now have to choose between the Byrd amendment and the committee amendment. The committee amendment provides that when the President submits a plan to Congress, if either House of Congress votes against the plan it shall not go into effect. The Byrd amendment provides that in such case both Houses must vote against the plan. In other words, under the Byrd amendment to the committee amendment, if the President submits a plan and if it goes first to the House of Representatives and if the House of Representatives approves it, the Senate will have no more to say; it will become an absolutely dead letter; the Senate will have no voice whatever regarding the matter. Under the committee amendment, if the House of Representatives approves the plan, it will then come to the Senate; and if the Senate disapproves it, it will not go into effect.

It seems to me that if we adopt the Byrd amendment we shall be deliberately depriving ourselves of the power to decide many important legislative questions in which all of us are interested. We may have decided, one day, that the RFC should not be part of the Department of Commerce. We may have justified our confirmation of the nomination of a Secretary of Commerce on that ground. But the next day the President could submit a plan and we could reaffirm our position; yet what we would have done one day could be nullified the next day, if a majority of the House of Representatives and the President chose to nullify it.

Very often we enact laws to which we attach conditions. In connection with the ratification of the Bretton Woods agreement we said we would authorize the floating of securities in this country and we would have the International Bank guarantee such securities, under the condition that a committee made up of the Secretary of the Treasury and four or five other finance officers approved the sale of the securities in the United States. Yet, along the line of the Byrd amendment, the next day the President might wipe out the power of that board and might permit those securities to be sold in this country without restraint. That is only an example. But

every day we attach conditions to the operations provided for in a particular measure and we provide some power to check in certain instances. Very often we authorize consideration of a matter by some person or agency in addition to the one who has the general power. Yet, Mr. President, if we adopt the Byrd amendment, the President might nullify such a provision; and if he could get a majority of the House of Representatives to agree with him, the Senate would have no voice whatsoever in the matter.

That is the issue we find drawn by these two amendments. I feel very strongly, Mr. President, that we should insist upon letting the Senate have a right to disapprove a plan which is submitted, and that we should retain for the Senate a voice in reaching such decisions. Therefore, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. MURDOCK. Mr. President, I do not wish to make an extended statement, but it seems to me that the question resolves itself simply to the point whether we wish to have a real reorganization or whether we do not. In my judgment the opinion of former Attorney General Mitchell on this very question was sound. His opinion was to the effect that provision for a veto by either House would be unconstitutional. Certainly if there is to be a veto of a reorganization plan submitted by the President after we have set up specific standards, which, in my opinion, the pending measure does, then a veto should be exercised only by the two Houses, not by one House acting alone.

Of course, what the Senator from Ohio has said is true, namely, that if a majority of the House of Representatives supported the program submitted by the President, then at the expiration of 60 days, under the bill as amended, it would become the law of the land. But the same may be said about the Senate. If the Senate were in favor of a Presidential reorganization program and if a majority of the House of Representatives were opposed to it, it still would become the law. Mr. President, in my opinion there should be a concurrence of the two Houses in the event of a veto. After we set up specific standards, as is done in the pending measure, after we limit or restrict the President and tell him what he can do and what he cannot do, we should let him go ahead and do the job. If the job was done so well that there was not a concurrence of the two Houses in a veto, then in my opinion neither House would have very much to complain about.

I hope that the Donnell amendment as amended by the Byrd substitute will now be made a part of the bill.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. TAFT. Of course, in taking that position, the Senator does not represent the committee which passed upon the bill, I assume.

Mr. MURDOCK. No. A majority of the committee reported the bill in its present form. But it is my opinion that if the Democratic members of the committee had been present in the commit-

tee, the vote in the committee would have been the same as the vote in the Senate today on the Byrd substitute.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. HATCH. In justice to the Senator from Utah, I merely wish to say that the position he takes today on the floor of the Senate is identical with the position he took in the committee.

Mr. MURDOCK. Mr. President, I am not at all changing my mind. I have stated time and again that in the committee I took the same position as the one I take today. I took it then, and I take it now, on the ground that we cannot have reorganization unless we are willing to let the President go ahead and do the job under the standards we set up.

Mr. TAFT. Mr. President, will the Senator yield to me?

Mr. MURDOCK. I yield.

Mr. TAFT. It is true, however, that the Senator was overruled in the committee, in which a majority of Democrats were present—in other words, more Democrats than Republicans; is that correct?

Mr. MURDOCK. Oh, no; that is not the fact. As I recall the vote on the bill in the committee, there were approximately three Democrats and a whole tableful of Republicans. [Laughter.]

Mr. TAFT. Mr. President, will the Senator yield further?

Mr. MURDOCK. I yield.

Mr. TAFT. It is true, however, that at least two of the Democrats on the committee voted against the position of the Senator from Utah and voted to reject the House bill and adopt the present committee amendment authorizing a veto by either House; is not that correct?

Mr. MURDOCK. I would not say there were more than two Democrats there. As I recall, the only Democrats who were present at that time were the chairman of the committee and myself.

Mr. VANDENBERG. Mr. President, where were the Democrats?

Mr. WHEELER. Mr. President, the Senator is entirely wrong in saying that there were only two Democrats present. I was present, and was one of those who took a position in favor of the committee amendment, and there were other Democrats who voted with me on the issue.

Mr. MURDOCK. I now recall that the Senator from Montana was present.

Mr. WHEELER. Mr. President, it is not a question of whether reorganization can be accomplished. I do not agree that the only way it can be obtained is by giving complete power to the President without any authority being exercised by the Congress. I have great confidence in the President, and I assume he will transmit a reorganization plan to the Congress which will be agreeable to the Senate of the United States. I am sure that any reorganization which will result in reducing the present number of employees of the Government, and cut out the deadwood which exists not only in the executive departments but in some of the other departments of the Government as well, in the War Department, the Navy Department, and in some of the agencies of the Congress, would be of

great aid to the efficient administration of the Government. I agree thoroughly with the views expressed by the Senator from Virginia [Mr. BYRD] to the effect that there should be a real reorganization of the Government. However, I do not agree that the Congress of the United States should completely abdicate its powers and turn them over to any person, even though he may be the President of the United States.

SEVERAL SENATORS. Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri [Mr. DONNELL], as amended. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRIDGES (when his name was called). I have a general pair with the Senator from Utah [Mr. THOMAS]. I transfer that pair to the Senator from Delaware [Mr. BUCK], and will vote. I vote "nay."

The roll call was concluded.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from Arizona [Mr. McFARLAND] is absent because of illness in his family.

The Senator from Utah [Mr. THOMAS] has been appointed a delegate to the International Labor Conference in Paris, and is therefore necessarily absent.

The Senator from Montana [Mr. MURRAY] is attending the conference in London to consider the creation of an educational and cultural organization of the United Nations.

The Senator from Nevada [Mr. McCARRAN] and the Senator from Florida [Mr. PEPPER] are detained on official business.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Missouri [Mr. BRIGGS], the Senator from Rhode Island [Mr. GERRY], the Senator from Washington [Mr. MAGNUSON], and the Senator from New York [Mr. WAGNER] are necessarily absent.

The Senators from South Carolina [Mr. JOHNSTON and Mr. MAYBANK] are attending, with the Secretary of Agriculture, an important regional agricultural conference at Clemson College, Clemson, S. C.

The Senator from Idaho [Mr. TAYLOR] is a member of the committee on the part of the Senate attending the funeral of the late Senator Thomas of Idaho, and is therefore necessarily absent.

The Senator from Illinois [Mr. LUCAS], the Senator from Georgia [Mr. GEORGE], and the Senator from Kentucky [Mr. BARKLEY] are detained at a meeting of the Joint Committee on the Investigation of the Pearl Harbor Attack.

The Senator from South Carolina [Mr. JOHNSTON] is paired on this question with the Senator from Indiana [Mr. WILLIS]. I am advised that if present and voting, the Senator from South Carolina would vote "yea," and the Senator from Indiana would vote "nay."

The Senator from South Carolina [Mr. MAYBANK] is paired on this question with the Senator from Illinois [Mr.

Brooks]. I am advised that if present and voting, the Senator from South Carolina would vote "yea," and the Senator from Illinois would vote "nay."

I further announce that the Senator from Alabama [Mr. BANKHEAD] has a general pair with the Senator from Nebraska [Mr. BUTLER] and the Senator from New York [Mr. WAGNER] has a general pair with the Senator from Kansas [Mr. REED].

I am advised that if present and voting, the Senator from North Carolina [Mr. BAILEY], the Senator from Kentucky [Mr. BARKLEY], the Senator from Missouri [Mr. BRIGGS], the Senator from Georgia [Mr. GEORGE], the Senator from Rhode Island [Mr. GERRY], the Senator from Illinois [Mr. LUCAS], the Senator from Washington [Mr. MAGNUSON], the Senator from Montana [Mr. MURRAY], the Senator from Florida [Mr. PEPPER], the Senator from Idaho [Mr. TAYLOR], the Senator from New York [Mr. WAGNER], and the Senator from Utah [Mr. THOMAS] would vote "yea."

Mr. WHERRY. The Senator from Vermont [Mr. AIKEN] has been excused until November 20 for reasons heretofore stated.

The Senator from Illinois [Mr. BROOKS], who would vote "nay," has a pair with the Senator from South Carolina [Mr. MAYBANK], who would vote "yea." The Senator from Illinois is a member of the Senate committee attending the funeral of the late Senator Thomas of Idaho.

The Senator from Nebraska [Mr. BUTLER] is a member of the Senate committee attending the funeral of the late Senator Thomas of Idaho. He has a general pair with the Senator from Alabama [Mr. BANKHEAD].

The Senator from Indiana [Mr. CAPEHART] is unavoidably absent because of injuries resulting from an accident.

The Senator from North Dakota [Mr. LANGER] and the Senator from Wyoming [Mr. ROBERTSON] are members of the Senate committee attending the funeral of the late Senator Thomas of Idaho.

The Senator from West Virginia [Mr. REVERCOMB] and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

The Senator from Delaware [Mr. BUCK] and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The Senator from Indiana [Mr. WILLIS] is necessarily absent. He has a pair on this question with the Senator from South Carolina [Mr. JOHNSTON]. The Senator from Indiana would vote "nay," and the Senator from South Carolina would vote "yea" if present.

The Senator from Kansas [Mr. REED], who is detained on official business, has a general pair with the Senator from New York [Mr. WAGNER].

The Senator from Maine [Mr. BREWSTER] and the Senator from Michigan [Mr. FERGUSON] are detained at a meeting of the Pearl Harbor Investigating Committee.

The Senator from Oklahoma [Mr. MOORE] is detained on official business.

The result was announced—yeas 35, nays 24, as follows:

YEAS—35

Andrews	Hatch	Murdock
Bilbo	Hayden	Myers
Byrd	Hill	O'Mahoney
Carville	Hoey	Overton
Chavez	Huffman	Radcliffe
Connally	Johnson, Colo.	Russell
Downey	Kilgore	Stewart
Eastland	McClellan	Thomas, Okla.
Ellender	McKellar	Tunnell
Fulbright	McMahon	Tydings
Green	Mead	Walsh
Guffey	Mitchell	

NAYS—24

Austin	Hart	Shipstead
Ball	Hawkes	Smith
Bridges	Hickenlooper	Taft
Bushfield	Knowland	Vandenberg
Capper	Millikin	Wheeler
Cordon	Moore	Wherry
Donnell	O'Daniel	Wilson
Gurney	Saltonstall	Young

NOT VOTING—35

Aiken	Gerry	Pepper
Bailey	Glass	Reed
Bankhead	Johnston, S. C.	Revercomb
Barkley	La Follette	Robertson
Brewster	Langer	Taylor
Briggs	Lucas	Thomas, Utah
Brooks	McCarran	Tobey
Buck	McFarland	Wagner
Butler	Magnuson	White
Capehart	Maybank	Wiley
Ferguson	Moore	Willis
George	Murray	

So Mr. DONNELL's amendment, as amended, was agreed to.

Mr. LA FOLLETTE subsequently said: Let me state, Mr. President, that I did not respond to my name on the last roll call. Had I been present at the time my name was called, I would have voted "nay."

Mr. BYRD. Mr. President, I offer the amendment which I send to the desk and ask to have read.

The PRESIDING OFFICER. The amendment offered by the Senator from Virginia will be stated for the information of the Senate.

The CHIEF CLERK. On page 19, beginning with line 4, it is proposed to strike out through line 14 and insert in lieu thereof the following:

SEC. 202. As used in this title, the term "resolution" means only a concurrent resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not favor the reorganization plan No. — transmitted to Congress by the President on —, 19—," the blank spaces therein being appropriately filled; and does not include a concurrent resolution which specifies more than one reorganization plan.

On page 21, at the end of the bill, it is proposed to insert the following new section:

SEC. 207. If, prior to the passage by one House of a resolution of that House with respect to a reorganization plan, such House receives from the other House a resolution with respect to the same plan, then—

(a) If no resolution of the first House with respect to such plan has been referred to committee, no other resolution with respect to the same plan may be reported or (despite the provisions of section 204 (a)) be made the subject of a motion to discharge.

(b) If a resolution of the first House with respect to such plan has been referred to committee—

(1) the procedure with respect to that or other resolutions of such House with respect to such plan which have been referred to committee shall be the same as if no resolu-

tion from the other House with respect to such plan had been received; but

(2) on any vote on final passage of a resolution of the first House with respect to such plan the resolution from the other House with respect to such plan shall be automatically substituted for the resolution of the first House.

Mr. TAFT. Mr. President, there are other amendments pending to sections 203, 204, and 205, I think. The Senator does not propose to change those amendments?

Mr. BYRD. No. The amendment relates to section 202 and 207 only, to carry out the action which has already been taken by the Senate.

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. Will it be in order to offer amendments to sections 203, 204, and 205, if this amendment shall be adopted?

The PRESIDING OFFICER. It will be in order.

Mr. MURDOCK. Mr. President, if I understand, the amendment now offered by the Senator from Virginia, it merely brings the procedural part of the bill into line with the amendment just adopted by the Senate.

Mr. BYRD. The Senator from Utah is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Virginia to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. RADCLIFFE. Mr. President, I offer an amendment on behalf of the Senator from Mississippi [Mr. EASTLAND] and myself. I ask that it be read, and then I shall ask for immediate consideration of the amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 17, line 20, after the comma, it is proposed to insert the words "the United States Maritime Commission."

Mr. RADCLIFFE. Mr. President, I am one of those who believe that a reorganization of the departments of the Government is long overdue. I have supported every motion, every resolution, every bill, which has been before the Senate having that objective in mind ever since I have been a Member of this body. I hope most fervently that the pending bill will be enacted, and that President Truman will be given the opportunity to attempt to bring about a reorganization of governmental departments. I have the fullest confidence that he will do the job thoughtfully, carefully, and efficiently.

However, Mr. President, it is realized, and I think is generally accepted, that there are certain departments of government which should be excluded from the operations of reorganization and thereby remain independent. Under section 7 of the pending bill, the following agencies are mentioned: The Interstate Commerce Commission, the Federal Communications Commission, the Fed-

eral Trade Commission, Securities and Exchange Commission, the United States Tariff Commission, the Federal Power Commission, the Federal Deposit Insurance Corporation, the Federal Land Bank System, the National Mediation Board, the National Railroad Adjustment Board, the Railroad Retirement Board, and the municipal government of the District of Columbia.

I think it must be obvious to all Senators that the Maritime Commission should be added to this list of exceptions, because the underlying reason for the exemption of all the boards and commissions named is the fact that they have regulatory and quasi-judicial powers to a very considerable extent. That characteristic certainly pertains to the Maritime Commission. In many ways, in fact, so many that I shall not tax the patience of Senators by attempting even to enumerate them, the Maritime Commission has to exercise regulatory powers. It has to consider and to decide many questions which are of a quasi-judicial nature. It considers matters of rates, and passes on them. It determines questions of penalty, and in countless ways regulatory and quasi-judicial problems are constantly before it.

I believe it should be sufficient for us to bear in mind the character of the business of the Maritime Commission to enable us to reach the conclusion that this exemption should be made. However, for a moment I wish to touch upon several other aspects of the matter, all of which tend, to my mind, at least, to emphasize the fact that the exception should be made. We are all aware of the fact that our history in regard to a maritime program, and especially as to a merchant marine, has been very fitful and inconsistent, and, on the whole, our policy has not developed satisfactorily. A number of times in our history we have had a merchant marine which was adequate for our purposes, yet in each instance we have made the hideous mistake of letting it fall into disuse.

When the First World War began we had practically no modern, up-to-date ships whatever. We hastened to build ships, but we did not launch one until after the armistice. Fortunately this time we began our preparations sooner. In 1936 we created a board, which very wisely was made an independent board, such as I suggest the Maritime Commission should remain. That board started to work to develop shipyards and to build ships, and we were actually launching ships when the tragedy of Pearl Harbor befell us. It is very fortunate, Mr. President, that we were doing so. Each day we needed every ship we could possibly lay our hands on. Every one of them was pressed into service and utilized to the limit. We had really to service the world in world-wide transportation.

Now that the war is over, fortunately, and we can now begin to make our plans for peacetime arrangements, most assuredly we should, if possible, avoid the mistakes we made in the past and see to it that this time we have a merchant marine, and preserve it. We now have more

ships than we have ever possessed at any time in our history, more than any nation ever owned, and more than the rest of the world has in the aggregate. Some of those ships we can now dispose of and are planning to do so.

In this connection, Mr. President, let me call attention to the fact that our efforts to maintain such a merchant marine as our country requires will call for continued activity of a very able body, exercising very wide authority and authorized to act as quickly as occasion may demand. We will have to do many things from time to time in order to effectuate and to carry out that policy.

But that is not all, Mr. President. The Maritime Commission, charged with the responsibility of perpetuating the merchant marine during peacetime, must perform many functions which are ordinarily not rendered by an administrative board. In other words, to the regulatory and quasi-judicial powers which would ordinarily be exercised by a maritime commission we will find added many others which are at this time necessary because of the necessities of the readjustment period.

A subcommittee of the Committee on Commerce, of which I am chairman, has been considering recently a bill providing for the sale of surplus ships, and the bill will soon be before the Senate for action. Such a bill may seem to be a very simple matter; yet we found that in the consideration of it many other matters of policy, yes, of grave policy, affecting various phases of our national affairs, and sometimes of our international relations, were involved. Matters, for instance, growing out of the operations of lend-lease were affected and problems inherent in international relations, especially with Great Britain and Russia, were vitally concerned.

So, Mr. President, in this period of readjustment it is most important that we should have a board which should stand out in authority as any other board having regulatory and quasi-judicial functions, and we should endow that board with and keep it possessed of every characteristic which is necessary to effectuate its far-reaching purposes.

If we are to be consistent in the policy which we long ago adopted, and which the pending bill attempts to emphasize and carry out, then we will certainly add the Maritime Commission to the list of boards and commissions which are exempted.

I think it is quite likely that if some of the members of the Committee on the Judiciary had realized to what a wide extent regulatory and quasi-judicial powers are exercised and will have to be utilized by the Maritime Commission, they would readily have incorporated the Maritime Commission in the list of agencies which were exempted under the pending plan of reorganization. It is my impression that it was denied admission to the list in the bill by only one vote.

Mr. President, I shall not trespass upon the time of the Senate by going further into a detailed account of the operations of the merchant marine. I do wish to emphasize again that there is evinced a

purpose among the people of the country at this time to see to it that we do not make the mistake, the terrible mistake, we made before of wrecking our merchant marine.

It has been our good fortune each time we were forced into two world wars, to have a breathing spell. In the last war we had a year or a year and a half or more before hostilities reached us, in which we could build and could assemble a merchant marine ready and equipped to do what was necessary for our protection. We cannot always reckon upon such indulgent fortune. God grant it may never happen that we are forced into war, but should it come about, it may be we will have to be prepared in this country on the very first day of warfare in the world to take up the burden and responsibility of meeting full impact of the enemy.

For years I have served as chairman of the Subcommittee on Merchant Marine of the Committee on Commerce of which the Senator from North Carolina [Mr. BAILEY] is chairman. As chairman of that subcommittee I have attempted to handle half a hundred bills concerned with our merchant marine. I have reached very deliberately the conclusion that the maritime commission was fortunate in being a separate agency reporting directly to the President of the United States. I believe it to be imperative that it shall remain distinct.

In accordance with the idea of consistency and following out the theory which has long been accepted and carried out in our Government, and having special consideration for the conditions which exist today, the extraordinary conditions which make it most imperative that at this time we endow and equip our Maritime Commission with all the power and all the authority that may be necessary, I hope the Senate will consider the amendment favorably, and will adopt it.

Mr. EASTLAND. Mr. President, when the committee considered the pending bill it adopted the policy that all the independent agencies, which are an arm of the Congress, should be exempted. The committee adopted the policy that all quasi-judicial agencies and all agencies of a regulatory nature should be exempted from the act. I shall read from the report of the committee on the bill:

The regulatory agencies, to the extent that they have been granted by the Congress the power to make rules and regulations having the effect of law, are in a very real sense legislative agencies. Most of these regulatory agencies also exercise quasi-judicial functions of some extent. In greater or less degree, depending upon circumstances, it is necessary to protect these agencies from partisan political action in order to preserve the necessary degree of continuity in public policy.

That is the principle which the Judiciary Committee adopted in reporting the bill. It exempted the Interstate Commerce Commission because it is a quasi-judicial agency exercising regulatory functions. The Maritime Commission in the field of water transportation exercises practically the same powers and has the same duties as the Inter-

state Commerce Commission has in railroad transportation.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. OVERTON. The Maritime Commission exercises the same powers that the Interstate Commerce Commission exercises or that the Federal Trade Commission or the Securities and Exchange Commission exercises. They all exercise regulatory powers, but the Maritime Commission goes further than that. It engages in the construction of vessels which are necessary for our merchant marine. It also has in charge the transfer of vessels which it is necessary to dispose of when we have surplus vessels. When we do not have a sufficient number of vessels it has power to construct vessels. It also has power to improve the character of our merchant marine by obtaining better vessels.

Mr. EASTLAND. What the Senator from Louisiana has said is absolutely correct. It was the committee's intention that all quasi-judicial agencies be exempted from the provisions of this bill. When the amendment was offered in the committee it was defeated by only one vote. Frankly we did not know what the duties of the Maritime Commission were, or the amendment would have been included in the bill.

Mr. OVERTON. The point I am making is that if we exempt other regulatory and quasi-judicial agencies there is added reason for exempting the Maritime Commission.

Mr. EASTLAND. What the Senator from Louisiana says is absolutely correct.

I read further from the report of the Committee on the Judiciary. Every reason the committee has given for the exemption of the other agencies will apply in full force to the Maritime Commission. I read further:

The important issues with respect to such agencies involve not expenditures but matters of basic fundamental policy regarding the extent to which they shall be subject to Executive control, and whether they shall or shall not be in any way subordinated to a department head, selected by the President as a member of his official family. Issues of this nature involve major matters of public policy which should not be changed except by the democratic legislative process in full and unquestionable accord with the Constitution.

Mr. President, that is the statement made by the Committee on the Judiciary. This agency at one time was under a branch of the executive department. That did not work out satisfactorily, so in 1936 there was passed the present act which laid down the broad principles which should govern the merchant marine of this country, principles which were to remain the permanent merchant-marine policy. If, under this bill, we authorize the Maritime Commission to be placed back in an executive department from which the Congress found it necessary to remove it at one time, we make the Commission subject to the temporary policies of such department, we destroy the permanent merchant-marine policies which are laid down in the law. Every single reason the Committee on the Judiciary has

assigned for the exemption of other quasi-judicial agencies applies to this agency.

Mr. President, I submit that the amendment should be adopted, and the merchant marine should be exempted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maryland [Mr. RADCLIFFE] for himself and the Senator from Mississippi [Mr. EASTLAND], on page 17, line 20.

Mr. MURDOCK. Mr. President, with respect to the amendment offered by the distinguished Senator from Maryland in which the distinguished Senator from Mississippi joins, there is just one point involved, and that is that we add the fifteenth agency which must not be touched in any reorganization plan. The quasi-judicial agencies are well taken care of in the bill, in subparagraph (h) of section 2, which reads as follows:

No reorganization plan under section 4 shall provide for, and no reorganization under this act shall have the effect of * * * divesting any quasi-judicial agency of the means, right, or power to exercise independent judgment and discretion, to the full extent authorized by law, in the performance and effectuation of its quasi-judicial, investigative, or rule-making functions.

Mr. President, the Committee on the Judiciary by that subparagraph in section 2 went a long way in my opinion to protect the quasi-judicial agencies against any interference in the exercise of their rule-making power or in the exercise of judicial power. If we want reorganization and we make all provision therefor, and then exempt all agencies in the executive departments, what have we accomplished?

I make the same statement in regard to this amendment that I made the other day in answer to the Senator from Louisiana [Mr. OVERTON] respecting the civil functions of the Army engineers. In my opinion the President is just as anxious to preserve their integrity and to preserve their independence of function as is the Congress. In my opinion the President can be trusted not to do anything that will destroy the Maritime Commission or interfere with it. There will be no ships sunk by reorganization. In my opinion there will be nothing of devastating or destructive nature done by the President with reference to the Maritime Commission. But when we exempt another agency, in my opinion we invite other Senators to come forward and ask to have their pet agencies exempted.

I hope the Senate will not adopt the amendment.

Mr. RADCLIFFE. Mr. President, will the Senator from Utah yield to me?

Mr. MURDOCK. I yield.

Mr. RADCLIFFE. I do not understand that we are considering the abstract question of what should go in or should not go in. Certainly what is involved in the amendment of the Senator from Mississippi and myself cannot be in any way regarded as indicating any lack of confidence in President Truman. I am satisfied that whatever will be done by President Truman will be done well. But since we have not only in this bill, but

throughout our history, made the distinction and held quasi-judicial boards separate and independent, does the Senator from Utah know of any reason in the world why the Maritime Commission, which renders certainly as many and as varied quasi-judicial duties as any board that is excepted, should be put in a class by itself? Why should it be treated any differently than the Interstate Commerce Commission? Certainly its duties are just as quasi-judicial. There can be no question in the world about that.

Mr. MURDOCK. My answer to the Senator is that, in my opinion, there is not any reason for exempting the others. I think we have well taken care of them by the provision of the bill I read.

I wish to state further that the same arguments were made in the committee that the Senator has made here on the floor today. They were presented by the distinguished Senator from Mississippi, and the majority of the committee voted down the amendment, and, in my opinion, the exemption should be voted down at this time.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. EASTLAND. The Senator does not mean to say that the same arguments were made in the committee as have been made here today? The Senator certainly does not mean that. The amendment lost in the committee by one vote, that is true, but, frankly, we did not know what the duties of the Maritime Commission were. I did not.

Mr. MURDOCK. As I remember the argument made by the distinguished Senator from Mississippi it was very persuasive, and I thought he gave us all the points and all the reasons why the Maritime Commission should be exempted.

Mr. EASTLAND. But frankly we did not know what the duties of this agency were. The committee adopted the policy that all quasi-judicial agencies should be exempted. The committee wrote that policy into its report. This agency is a quasi-judicial agency and should be exempted for the very reasons set forth in the committee report.

Mr. MURDOCK. I do not see how the Senator can take the position that the committee adopted the policy that all quasi-judicial agencies should be exempted from the application of the bill, because there are a score, probably, of agencies in the Government which exercise quasi-judicial functions which are not exempted, and it is my opinion that if the bill should exempt all quasi-judicial agencies in the executive branch of the Government there would not be anything left. They would all claim to exercise at times some quasi-judicial function.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. EASTLAND. A more perfect case for the exemption of the Maritime Commission could not be presented than the one presented on pages 4 and 5 of the committee's report. The very reasons why it should be exempted are in the report, as the reasoning of the committee in approving the bill.

We speak of economy. We are all for economy; but there can be no question of economy involved here. This is a very small agency, with a very limited personnel. No question of economy is involved. It is a question of maintaining the independence of this agency. As the committee says, all agencies of that character are entitled to exemption.

Mr. MURDOCK. My answer is that the Judiciary Committee went as far as it possibly could in subsection (h) of section 2 to protect the independence of quasi-judicial agencies. Let me read that subsection again for the benefit of the Senate.

Mr. EASTLAND. Mr. President—

Mr. MURDOCK. Let me read subsection (h) of section 2. The Senator refers to the protection given to quasi-judicial agencies. In my opinion this is what the report refers to:

(h) divesting any quasi-judicial agency of the means, right, or power to exercise independent judgment and discretion, to the full extent authorized by law, in the performance and effectuation of its quasi-judicial, investigative, or rule-making functions.

If the committee has not set up a standard which will absolutely protect any quasi-judicial agency, I do not know how it could be written into a law.

Mr. RADCLIFFE. Mr. President, will the Senator yield?

Mr. MURDOCK. I decline to yield just now.

By writing a section of that nature into the bill and then taking the next step of exempting 14 agencies, as we have done up to date, to that extent, in my opinion, we cut down the efficiency and efficacy of any reorganization.

I now yield to the Senator from Maryland.

Mr. RADCLIFFE. Of course, the argument which the Senator from Utah has made in regard to the general provisions has some weight and force. But the committee did not stop there. After giving careful consideration to the question it decided that there were certain agencies whose quasi-judicial powers were of such a character and extent that special arrangements should be made. As the Senator from Mississippi [Mr. EASTLAND] and I attempted to emphasize, in many ways the Maritime Commission exercises quasi-judicial powers and regulatory powers to an extent at least equal to those exercised by any one of the commissions named in the exemptions. If there is any reason for the exemption of any of the others, it applies with equal force and effect to the Maritime Commission.

Mr. MURDOCK. My answer to the Senator is that after considering the Maritime Commission the Judiciary Committee, by a majority vote, refused to exempt it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Maryland [Mr. RADCLIFFE] for himself and the Senator from Mississippi [Mr. EASTLAND].

Mr. HATCH. Mr. President, I desire to supplement what the Senator from Utah has said, and what I have said heretofore. I shall vote against this particular amendment and any other

amendment providing for the exemption of other agencies which are sought to be exempted from the provisions of the bill.

Every argument which has been made here, not only in behalf of this particular agency, but in behalf of many others already exempted, could be made in behalf of practically every other department, bureau, or agency of the Government. If the argument is to be followed to its logical conclusion, we ought to set forth and specify all of them. I have heretofore referred to the exemption of judicial agencies which exercise part-time functions, and to the Tax Court, which is altogether judicial. No one has sought to have it exempted. I have also referred to the National Labor Relations Board, which exercises many semijudicial functions. In the General Land Office of the Department of the Interior there are many such functions. In the Department of Agriculture there are many such bureaus.

My only reason for voting against this amendment is that we are adopting the wrong course and the wrong procedure. We ought to study carefully and know the ones which we ought to exempt, and exempt them all, if that is to be our policy, and if that is what we are to direct the President to do. Not doing that, we ought not to exempt some and leave others out.

For that reason I shall vote against the pending amendment, and I shall vote against the exemption of all other agencies.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. OVERTON. Apparently it is the attitude of the Judiciary Committee that it is the only agency of Government which can make any exemptions. The Senate is powerless and the House is powerless. Only the Senate Judiciary Committee can make any exemptions.

Mr. HATCH. In reply to the Senator from Louisiana, I trust that nothing I have said has conveyed such an impression. Unfortunately I was not present in the Judiciary Committee. I think if I had been I would have opposed the work of the Judiciary Committee in the matter of exemptions, just as I voted against the Senator's amendment the other day, and as I shall vote against the amendment of the Senator from Maryland.

Mr. OVERTON. I did not say that that was the position of the Senator from New Mexico. I said that apparently it was the position of the Senate Committee on the Judiciary.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Maryland [Mr. RADCLIFFE] on behalf of himself, and the Senator from Mississippi [Mr. EASTLAND] to the committee amendment.

Mr. TYDINGS and Mr. HATCH asked for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. BRIDGES. I have a general pair with the Senator from Utah [Mr. THOMAS]. I transfer that pair to the Senator from Delaware [Mr. BUCK], and will vote. I vote "yea."

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from Arizona [Mr. McFARLAND] is absent because of illness in his family.

The Senator from Utah [Mr. THOMAS] has been appointed a delegate to the International Labor Conference in Paris, and is therefore necessarily absent.

The Senator from Montana [Mr. MURRAY] is attending the conference in London to consider the creation of an educational and cultural organization of the United Nations.

The Senator from Kentucky [Mr. BARKLEY] the Senator from New Mexico [Mr. CHAVEZ], the Senator from Georgia [Mr. GEORGE], the Senator from Nevada [Mr. McCARRAN], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Florida [Mr. PEPPER], and the Senator from Montana [Mr. WHEELER] are detained on official business.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Missouri [Mr. ERIGGS], the Senator from Rhode Island [Mr. GERRY], the Senator from Washington [Mr. MAGNUSON], and the Senator from New York [Mr. WAGNER] are necessarily absent.

The Senator from Tennessee [Mr. STEWART] is detained on official business at one of the Government departments.

The Senators from South Carolina [Mr. JOHNSTON and Mr. MAYBANK], are attending, with the Secretary of Agriculture, an important regional agricultural conference at Clemson College, Clemson, S. C.

The Senator from Idaho [Mr. TAYLOR] is a member of the committee on the part of the Senate attending the funeral of the late Senator Thomas of Idaho, and is therefore necessarily absent.

The Senator from South Carolina [Mr. JOHNSTON] has a general pair with the Senator from Indiana [Mr. WILLIS], and the Senator from South Carolina [Mr. MAYBANK] has a general pair with the Senator from Illinois [Mr. BROOKS].

I further announce that the Senator from Alabama [Mr. BANKHEAD] has a general pair with the Senator from Nebraska [Mr. BUTLER], and the Senator from New York [Mr. WAGNER] has a general pair with the Senator from Kansas [Mr. REED].

Mr. WHERRY. I announce the following general pairs:

The Senator from Illinois [Mr. BROOKS] with the Senator from South Carolina [Mr. MAYBANK];

The Senator from Nebraska [Mr. BUTLER] with the Senator from Alabama [Mr. BANKHEAD];

The Senator from Kansas [Mr. REED] with the Senator from New York [Mr. WAGNER]; and

The Senator from Indiana [Mr. WILLIS] with the Senator from South Carolina [Mr. JOHNSTON].

The Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from North Dakota [Mr. LANGER], and the Senator from Wyoming [Mr. ROBERTSON] are members of the Senate committee attending the funeral of the late Senator Thomas of Idaho.

The Senator from Vermont [Mr. AIKEN] has been excused until November 20 for reasons heretofore stated.

The Senator from Delaware [Mr. BUCK], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The Senator from Indiana [Mr. CAPEHART] is unavoidably absent because of injuries resulting from an accident.

The Senator from West Virginia [Mr. REVERCOMB] and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

The Senator from Maine [Mr. BREWSTER] and the Senator from Michigan [Mr. FERGUSON] are detained at a meeting of the Pearl Harbor Investigating Committee.

The Senator from Oklahoma [Mr. MOORE], the Senator from Kansas [Mr. REED], and the Senator from Iowa [Mr. WILSON] are detained on official business.

The result was announced—yeas 30, nays 25, as follows:

YEAS—30

Austin	Gurney	Morse
Ball	Hart	O'Daniel
Bilbo	Hawkes	Overton
Bridges	Hickenlooper	Radcliffe
Capper	Knowland	Saltonstall
Connally	McClellan	Shipstead
Cordon	McKellar	Smith
Eastland	Mead	Taft
Ellender	Millikin	Wherry
Guffey	Mitchell	Young

NAYS—25

Andrews	Hill	Myers
Byrd	Hoey	Russell
Carville	Huffman	Thomas, Okla.
Donnell	Johnson, Colo.	Tunnell
Downey	Kilgore	Tydings
Fulbright	La Follette	Vandenberg
Green	Lucas	Walsh
Hatch	McMahon	
Hayden	Murdock	

NOT VOTING—39

Aiken	George	Reed
Bailey	Gerry	Revercomb
Bankhead	Glass	Robertson
Barkley	Johnston, S. C.	Stewart
Brewster	Langer	Taylor
Briggs	McCarran	Thomas, Utah
Brooks	McFarland	Tobey
Buck	Magnuson	Wagner
Bushfield	Maybank	Wheeler
Butler	Moore	White
Capehart	Murray	Wiley
Chavez	O'Mahoney	Willis
Ferguson	Pepper	Wilson

So the amendment offered by Mr. RADCLIFFE on behalf of himself and Mr. EASTLAND to the committee amendment was agreed to.

Mr. TAFT. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 13, at the end of line 6, it is proposed to strike out the period, insert a colon, and add: "Provided, That no reorganization plan submitted shall contain any disposition in conflict with any act of Congress passed after January 1, 1943, dealing expressly with the creation, transfer, consolidation, or coordination of any agency or the distribution or coordination of powers or functions between agencies or within any agency."

Mr. TAFT. Mr. President, let me say—

Mr. TYDINGS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Maryland?

Mr. TAFT. I yield.

Mr. TYDINGS. I should like to make a statement at this time, although I do not wish to interrupt the Senator's presentation.

Mr. TAFT. Mr. President, I think this amendment may be agreeable to the Senator in charge of the bill, so perhaps we can get it out of the way first, if that is satisfactory.

Mr. TYDINGS. I should like to say something before the amendment is considered, Mr. President.

Mr. TAFT. Very well; I yield.

Mr. TYDINGS. Mr. President, it is quite a famous saying of Mark Twain's that everybody complains about the weather but nobody does anything about it. One of the great things at campaign time and quite often on the floor of the Senate is to have either prepared or unprepared speeches made on the subject of the great governmental monstrosity, the bureaucracy which we have in Washington, the waste of the taxpayer's money, the duplication of agencies, the difficulty of knowing what is going on in one zone or another zone of government, and the unfairness of the system to the taxpayer and to the citizens as well. That comment is proper, and it is always in the form of a generality. Yet when we come down to propose the actual meeting of that issue, we find that because of some particular thing here or there, we scuttle like a lot of rats and avoid the issue and repudiate practically all we have said. There should not be one exemption in this bill from top to bottom, and every Senator in his heart knows it. If we are going to save this Republic we cannot conduct it with hundreds of thousands of activities, many of them set up because of the war, with dozens and dozens of bureaus on top of bureaus, until there is no such thing as intrastate commerce left in the Republic. I defy any Member of the Senate to name one item which is intrastate commerce, as distinguished from interstate commerce. The whole functions of our States, our counties, our cities, and our communities are gradually being destroyed by this thing we have in Washington. Yet exemption has been made of certain so-called quasi-judicial functions. In the name of high heaven, Mr. President, is there one agency, one bureau, one department which does not exercise quasi-judicial functions in this Republic? That is merely camouflage and buncombe, and every Senator knows it in his heart. Here we are in debt \$300,000,000,000, with a first mortgage of \$8,500 against every family in the United States. Here we have a new President of the United States, at the end of a great world war, after we have all talked in our home States and have sympathized with the millions who have complained—the Rotary Clubs, the chambers of commerce, the labor organizations, the housewives, and all the others. We have said to them, "Yes; something must be done about it." But,

Mr. President, when the opportunity comes we hide behind a lot of Hallowe'en ghosts which do not have a shred of substance—I say that with no reflection on anyone—and which cannot be supported by any honest thinking, if our words mean anything.

There should not be one exemption in this bill. We should trust the President of the United States, whether he is a Democrat or a Republican, to be just as much concerned with this Republic as we are. We cannot enable him to reorganize the Government if we tie his hands to his sides and tie his two feet together and put a blindfold over his eyes and put cotton in his ears. But that is what it amounts to.

Mr. President, for months, for years and years and years, under both Republican and Democratic administrations, almost every Member of the Congress at some time or other has said "Oh, this great monstrosity, this bureaucracy, is terrible. Let us investigate the OPA" or "Let us investigate the Shipping Board." The investigation of the Shipping Board occurred when the now Mr. Justice Black of the Supreme Court conducted the investigation. We have investigated almost everything. We have denounced bureaucracy. We have called attention to the debt. We have called attention to the expenditures and the high taxes. But what have we done about them? Nothing.

Now when the one opportunity—perhaps the only opportunity we shall have for years to come—is before us, we throw it away and go back on all our high-sounding words about economy, States' rights, local responsibility, simplification of Government, the destruction of democracy by bureaucracy, and all the other labels we have applied.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. HATCH. I intended to make a comment a moment ago, but I did not do so. The Senator has mentioned the OPA. If the explanation which has been given of the bill is correct, the OPA should also be exempted.

Mr. TYDINGS. Of course, the OPA should be included in the exemptions, if the explanation is correct, because it has no function which is not almost entirely judicial in character.

Mr. President, I am surprised that there are on this side of the aisle Senators who refuse to give the President of the United States, at the conclusion of this great war, the simple right or power which he has requested of us, namely, a chance to do a good job, to eliminate waste and duplication, to cut down expenses, to make for a more efficient Government.

Mr. OVERTON. Mr. President, will the Senator yield to me?

Mr. TYDINGS. I yield.

Mr. OVERTON. Will the Senator, then, prepare an amendment striking from the bill all limitations on the power of the President to reorganize?

Mr. TYDINGS. I will.

Mr. OVERTON. I think that will be excellent, and then we shall have a very short bill.

Mr. TYDINGS. Yes.

After we have done that, after we have given the President a chance to reorganize, if the job he does is a bad job, we can vote "no." If it is a good job, we can vote "yes." But unless we give the President a chance to do a thorough job, we are only performing a farce right here on the floor of the Senate.

Mr. KILGORE and Mr. HATCH addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Maryland yield, and, if so, to whom?

Mr. TYDINGS. I shall yield, but before I yield I assure my two colleagues that my reluctance to offer such an amendment is only hinged on the fact that I am not a member of the committee, and there may be many things which have not come to my attention. I have addressed myself solely to the elimination of exceptions; that is all.

I yield first to the Senator from West Virginia.

Mr. KILGORE. Mr. President, is it not a fact that what the Senator suggests is merely that we give the Chief Executive the right to exercise the functions for which the people of the United States hold him responsible?

Mr. TYDINGS. Exactly.

Mr. KILGORE. And if we do not do it properly how can we hold the President responsible?

Mr. TYDINGS. Mr. President, it is the same as if we were to say to a president of a company, whether a coal company, a harvester company, or some other kind of a company, "Bill, we are going to charge you with the responsibility of running this company. But you may not do anything in the book-keeping department or in the operating department. Do not touch the transportation department. However, we expect you to have an efficient and businesslike organization."

Mr. President, I am astounded at the way my Democratic colleagues on this side of the aisle are showing so little faith in the patriotism, the Americanism, and the business acumen of President Truman. I am astounded at my colleagues on the other side of the aisle who, in campaign after campaign, have attacked up and down the country, this overgrown, extravagant Government with its wasteful bureaucracies, but now seek to perpetuate their existence. I think we should rise to this occasion when we have a \$300,000,000,000 debt staring us in the face, when the problem of reconversion is before the Nation and when we are confronted with the problems of price regulation, rent control, and rationing which is still in effect. At this time we have a mounting deficit and we should do all we can to reduce it. Here is a proposal that is totally nonpartisan. There is no reason in the world why we should divide on party lines with respect to the question which is now before the Senate. It is of tremendous importance to the people of this country. I kept my seat a moment ago only because my colleague and friend had an amendment pending, and being from the same State as he, I did not think it was graceful on my part to oppose the proposition which I know he had earnestly in his heart. I

am not speaking of his amendment in particular, but I am speaking of amendments pertaining to all exemptions in this bill, and any others which may be offered to it. The conditions about which we have complained have gone so far that we should give the President of the United States a real opportunity to put the Government together so that it will function somewhat in accordance with the conception of its founders, and so that duplication, waste, and overlapping functions may be eliminated and thereby save the taxpayer money, as well as at the same time promote the efficiency of democracy in America.

Mr. FULBRIGHT. Mr. President, did I understand the Senator from Maryland to say that he was offering an amendment to strike out all the exemptions to which reference has been made?

Mr. TYDINGS. I shall be glad to do so. That does not mean, however, that the Maritime Commission and some of the other agencies will be eliminated. The President will not confront Congress with a proposal to eliminate an agency which the Congress has created and does not want to strike down. It simply means that he may find here a function which is partially performed by another group over there, and that by a reorganization along common-sense lines the particular function can be performed by one group and the other group freed to do things which are within the scope of its activities.

I appeal to my colleagues, not in any sense of fault-finding or criticizing, to rise to this one occasion and give to the President the opportunity which has been requested. It will be the first opportunity we have had during my tenure in Congress to help bring about at last a reorganization of the Government so that the things about which we have all complained may be eliminated from the operations of Government, and that a more economical and efficient Government may result therefrom.

If we do not like the plan the President proposes we can say so; but for heaven's sake let us go down the only avenue that is open, namely, the avenue of executive reorganization. Every Senator who has been a Member of the Senate for any length of time knows that there is no chance of having enacted a reorganization bill which the Congress alone attempts to bring about. That is shown by what is taking place here today. So let us take advantage of this opportunity and give power to the President. Let us see if he cannot do a good job, and if he does a good job we will have something to be proud of. Whether we be Democrats or Republicans, we will be able to go to our constituents and point to some worth-while achievement on our part as Members of Congress.

Mr. OVERTON. Mr. President, if the Senator's argument is carried to its logical conclusion, the amendment will go much further than to strike out the exemptions.

Mr. TYDINGS. That is probably true.

Mr. OVERTON. Some of the exemptions are so broad as to include quite a number of agencies.

Mr. TYDINGS. I would be willing to eliminate everything that could be elimi-

nated if it would give the President the power to formulate a plan of reorganization and submit it to us.

Mr. OVERTON. The Senator would be willing to strike out of the bill all limitation upon the President's power.

Mr. TYDINGS. I would be agreeable to doing that. However, I am not a member of the committee, and I hesitate to make such a sweeping proposal. But I should like to see all the exemptions which are specifically named eliminated because there is no more reason for leaving them in the bill than for leaving in the OPA and many other quasi-judicial agencies which operate under the Federal Government.

Mr. President, in the interest of a more efficient Government, I ask that we be allowed to contribute something in the way of democratic processes and obtain a real over-all comprehensive reorganization plan. If the plan does not "stack up," we can strike it down, as provided in the Byrd amendment, at a later date.

Mr. TAFT. How can we strike it down? The answer is that we cannot strike it down.

Mr. TYDINGS. So far as I am concerned with reference to practically all governmental agencies, I would not want to see them stricken down.

Mr. TAFT. The Senator's suggestion is that our remedy is to strike the plan down. We do not have such remedy.

Mr. TYDINGS. Why not?

Mr. TAFT. Because, according to the terms of the bill, if the House approves the plan it will be put into effect.

Mr. TYDINGS. Mr. President, if the House approves it I am pretty sure that it will suit me all right. I know that the President will not write a plan that the House will not approve unless the plan is a very bad one. It will be a dozen times better than the hodge-podge of departments, bureaus, overlapping and wasteful activities which already exist. In my mind, there is no doubt that the net result will be an organization which will be better than the one we now have, providing that we give the President the power which has been requested. I think we ought to give it. And let it be said here and now that, in my humble judgment, those who vote against effecting a proper reorganization of the Government, in the face of wartime restrictions, will have something to answer for to the people of the country at some succeeding date.

Mr. TAFT. Mr. President, I do not think I can answer the very eloquent remarks of the Senator from Maryland any better than by reading what he said in the Senate of the United States on March 20, 1939, when a similar question was before the Senate.

Mr. TYDINGS. What was the date?

Mr. TAFT. March 20, 1939.

Mr. TYDINGS. Very well.

Mr. TAFT. The Senator stated as follows:

How ludicrous it is for us as a legislative branch of the Government to say that one of the great problems before this Nation is the necessity of reorganizing and consolidating and taking other action in respect to the functions of the executive branch of the Government, in the interest of economy and efficiency, but that we do not intend

to do a thing in the world about it except to pass a resolution inviting the President of the United States to legislate for us, and that whatever way he legislates will be satisfactory to us if we do not act on the plan within 10 days after he submits it.

Mr. TYDINGS. Continue reading.

Mr. TAFT. The Senator stated further on that occasion:

Mr. President, if there is a need for reorganization we should write the plan in Congress.

Mr. TYDINGS. That is correct.

Mr. TAFT. I continue reading:

Let it go through the normal processes of Government up to the Executive, and have him approve it or disapprove it. If we feel there is no need for reorganization we should do nothing at all.

We ought not to abuse the various executive activities of the Federal Government on the floor of the Senate, and hold this branch and that branch up to ridicule and abuse, and then continue to allow more legislative authority to be transferred to the executive branch of the Government.

Already, I believe, one of the great causes of unrest in this country has been the transference of legislative power to separate and independent agencies, which in effect is creating a fourth branch of our National Government, not that of legislation, not that of judicial or executive functions of the Government, but administrative legislation within supposed limits fixed by Congress in passing various acts.

Mr. TYDINGS. Mr. President, I am very glad that the Senator has read my statement, because it practically proves my case. I would much rather have the plan written in the Congress of the United States, and in 1939 I thought that it could be written in the Congress of the United States. But I found it could not be written in the Congress because the effort which was made on that occasion showed me conclusively that it was impossible for Congress to do the work which the Executive should do.

But how small the year 1939 is compared with the year 1945, after the expansion of the Federal Government as the result of a great war. I know the Senator will be fair enough to concede that the Government is not twice as large as it was in 1939, but three or four times as large as it was then. The need then was for a poultice; the need now is for an operation. The Senator cannot use the evidence which fits a time long before this war to prove a case which has no relevancy to the present condition of the Government, in the year 1945.

Mr. DONNELL and Mr. TAFT addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Maryland yield?

Mr. TYDINGS. Just a moment. I have not finished. I merely paused for breath. [Laughter.]

No man has had more to say about the weakness of the executive administration, on this floor and off, repeatedly, daily and weekly, than has the distinguished Senator from Ohio. Where does he stand today—in a position of consistency, hunting every amendment and exemption he can write into the bill to tie the hands of the President from accomplishing the result which he claims he really wants? Am I wrong?

Mr. TAFT. Will the Senator yield?

Mr. TYDINGS. I yield.

Mr. TAFT. Yes, the Senator is wrong. I am quite prepared to favor binding ourselves to consider any plan the President wishes to submit, to bind ourselves to act on it "yes" or "no" promptly, without any debate, without any amendment. I am wholly unwilling to delegate to the President power to reorganize the Government of the United States, and nullify act after act which the Congress has passed.

Furthermore, I suggest to the Senator that since 1939 we have been in the midst of a great war. It cannot be said that because Congress has not completely reorganized the Government during that time it is unable to do so. In fact, during that time the President has had power, under the first War Powers Act, to effect a complete reorganization of government for the period of the war. That power has been in his hands. We granted him the war power. So there is no difference between today and 1939, except for one thing suggested by the Senator from Virginia, that we have a different President, and, secondly, that the Government is somewhat larger than it was then. Otherwise the principles so well declared by the Senator in 1939 are just as fully effective today as they were at that time.

Mr. TYDINGS. I do not think the Senator can convince many people by his plausible statement that the conditions are no different in 1945, after the war, from what they were in 1939.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. TYDINGS. Let me finish the answer, and then I shall be glad to yield to the Senator from Missouri.

I should like to ask the Senator from Ohio about the vote that was just taken to exempt the Maritime Commission. I assume he voted against the exemption.

Mr. TAFT. I voted in favor of exempting it.

Mr. TYDINGS. I thought the Senator was willing—

Mr. TAFT. Does the Senator know why I voted for exempting it?

Mr. TYDINGS. I think so.

Mr. TAFT. It was because under the Byrd amendment, as adopted, the President could submit a reorganization plan transferring the Maritime Commission to the Secretary of Commerce. Mr. Wallace is opposed to a merchant marine for the United States. He thinks that is something we have to subsidize, and that we should not try to get into that field. The only way I could protect the merchant marine of the United States against such a reorganization plan, with the Byrd amendment in the bill, was to vote to exempt the Maritime Commission entirely from the proposed plan. Therefore I did so.

Mr. TYDINGS. According to the Senator's logic, he would have to exempt all the others, because any of them could be transferred to Mr. Wallace's department or other departments. In other words, it boils down to this, that, using Mr. Wallace as a windmill, the Senator is tilting over the whole reorganization bill, so that there is nothing left of it. Therefore, when he rises and talks about the debt, and about this "great monstrosity," and the inefficiency of this department and that department, and says the matter

should be investigated, that this overlaps that, that they have no genius for administration, and so on, it all ends when the one opportunity comes, in the Senator eating his words and saying, "I do not want any reorganization."

Mr. TAFT. Will the Senator yield?

Mr. TYDINGS. I yield. The Senator started this debate. I only wish to finish it with him, that is all.

Mr. TAFT. I should like to have the Senator yield.

Mr. TYDINGS. I yield.

Mr. TAFT. I only wish to say that if the Byrd amendment had not been adopted, if we had preserved the veto power in the Senate over any reorganization plan, I would not have voted to exempt the Maritime Commission, and I would vote to eliminate all the other agencies which are included in the bill, along with the Senator's proposal.

Mr. DONNELL. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I yield to the Senator from Missouri for a moment.

Mr. DONNELL. Mr. President, I desire to have the Senator yield to me for more than a moment, if he will.

Mr. TYDINGS. The Senator will at least permit me to finish my side of the argument before I take him on, will he not?

Mr. DONNELL. I will ask the Senator to yield for a rather extensive inquiry.

Mr. TYDINGS. No. I believe in fair play, and an extended inquiry might last a half hour.

Mr. DONNELL. Mr. President, I believe in fair play, and I resent very much the imputation made by the Senator from Maryland. I have in my hand the remarks made by the Senator in 1939 showing the basis on which twice he voted contrary to the very vote he cast this afternoon on this floor.

I undertake to say, Mr. President, that the Senator voted in 1939 apparently not on any basis of expediency, which I understand he now bases his vote upon, but voted upon certain principles which I desire to advocate at this moment. I ask him to yield for that purpose.

Mr. TYDINGS. I am glad the Senator has made that remark. It is more or less a repetition of what the Senator from Ohio said, and I know that the able Senator from Missouri is sincere in what he says, that I am crucified on the cross of inconsistency, but I am not crucified on the cross of what is right and what is wrong.

To reiterate, the proposition is that the Senator himself is one of the greatest advocates in this Chamber, and off this floor, of reducing Government functions, of putting down overlapping agencies, of doing away with this "monstrosity." He has read the reports over. He has labored by the midnight oil. He has turned rhetoric loose so that it would almost wipe out the national debt if it were coined into dollars. [Laughter.]

When he gets the one opportunity to vote to do what he wants done, instead of joining with me, he takes up the shovel of antiquity, digs in the dirt of 7 or 8 years ago, and says, "Before, you took such a position. Even though this Government is four times as large as it was

then, forsooth, why do you not stand on the same ground now?"

I wish to say to the Senator that if there is any inconsistency, I probably have my full share of guilt, and I have no desire to escape it. But I do ask the Senator to walk out and look in a mirror, and I think he will see that the senior Senator from Missouri, with a cornucopia of plenty in one hand and with the empty saucepan of a \$300,000,000,000 deficit in the other, and saddling a mule that is called "Waste, extravagance, and bureaucracy," is attempting to ride in two directions on that old beast at one and the same time. [Laughter.]

Mr. DONNELL. Mr. President, the ability of the mental processes of the Senator—

Mr. TYDINGS. I have not yielded to the Senator, and of course, under the rules of the Senate it is customary to ask me to yield.

Mr. DONNELL. I beg pardon. Will the Senator yield. I ask the Senator to yield.

Mr. TYDINGS. I yield for a brief comment.

Mr. DONNELL. Mr. President, I ask the Senator whether or not it is a fact that in 1939 he did or did not vote twice in favor of the proposition presented by the Senator from Montana [Mr. WHEELER], practically the same as that I have presented, namely, that no reorganization plan shall take effect until there shall be enacted a joint resolution approving the plan.

Mr. TYDINGS. Yes. Crucify me, if you will. I plead guilty to the soft, but not too soft, impeachment.

Mr. DONNELL. I am not criticising the Senator for his change of opinion.

Mr. TYDINGS. I have not changed my opinion.

Mr. DONNELL. But I desire to call the attention of the Senate to the fact that the Senator from Maryland in 1939 did not vote in favor of the Wheeler amendment on any grounds of expediency, but he did so upon the high ground, as I understand, that an amendment of the nature of that offered here this afternoon by the Senator from Virginia [Mr. BYRD], violated the Constitution of the United States.

I undertake to state it as my judgment that the mere fact that we have four times as many employees as we had in 1939, and the mere fact that we have a different man in the White House today, does not alter one jot or one tittle the Constitution of the United States.

I should like to ask the Senator if this is what he said on March 20, 1939. Did he not say:

Mr. President, ours is a democracy. Let us quit talking about democracy unless the legislative branch of our Government is going to pass the legislation. There is no use beating our breasts about democracy and in a time when there is no stress, when there is no real emergency, handing over unlimited power to the executive branch of the Government, which, under our Constitution, has no right to legislate in behalf of the Congress.

I ask the Senator if he so stated in 1939.

Mr. TYDINGS. Not only that, but all the rest of it which the Senator might read.

Mr. DONNELL. Well, I will read that too.

Mr. TYDINGS. No; the Senator will not read it in my time.

Mr. DONNELL. Will the Senator yield?

Mr. TYDINGS. Just a minute. Let me take up where the Senator left off.

Mr. President, I had hoped in dealing with the Senator from Ohio and the Senator from Missouri in this debate that I might not have to bring up a circumstance of which I am not ashamed but which sheer candor compels me now to refer to in this illustrious assembly. I never looked upon the late President Roosevelt as a man who was interested primarily in reorganization or in economy, and I think the record pretty well illustrates that. I think my record here, not only in that speech but in many, many other speeches over a long period of time, including the purge campaign of 1938, shows that perhaps there was as much resistant quality sitting in the seat I occupy to the whole sweep of bureaucracy, much of which came in with the late President, whether for good or for evil, as was possessed by any other member of this body. For that reason I had an entirely different conception of what would be accomplished by a reorganization that was to be made under the administration of President Roosevelt than I had of one which might be made under Coolidge or under Harry Truman. It was not a political matter. It had been demonstrated that Mr. Roosevelt believed in a big Federal Government, in the elimination of all intrastate commerce, in carrying the Federal Government down into every household, and doing for the people the things which the communities and the States had done for them.

Therefore, as a matter of democracy, I was interested in making sure that I would have a chance to pass on any plan so devised by the President. I do not conceive that that condition is present here, and what I have just said I say with no reflection on the late President, for he had many admirable qualities. He performed outstanding service in times of great stress. I did not always see eye-to-eye with him, but one thing I did see was that he loved to do things for everybody regardless of the cost and regardless of what I considered to be much of our historic Democratic and Republican heritage.

Therefore, what would be more natural than that I would not want to turn over such a power to a man who was so minded, though he might be right and I might be wrong. That is not the situation which now prevails.

No one conceives that President Truman wants to do other than reduce government. Heaven knows, whatever may be said by way of praise of President Roosevelt, it was not one of his life-long ambitions to reduce the Federal functions during his own tenure of office.

I did not want to bring that matter up. I concede the whole speech referred to by the Senator from Missouri. The Senator has read the basis for a pretty good speech. The only difference between the situation then and now is that it is

not the same government. The Government has four times as many employees. The Government has four times as many bureaus and agencies, and the country has a \$300,000,000,000 debt. In 1929 the country had a forty-billion-or forty-five-billion-dollar debt. Only a child in the primary grade would assert seriously that the Government today is the same government that existed prior to the war in 1939 insofar as problems and functions and fiscal set-ups are concerned.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield for a brief comment.

Mr. DONNELL. The comment I desire to make, Mr. President, is not critical, in any sense, of the Senator. He has a perfect right to change his position between 1939 and 1945. But may I call attention to the fact that while we have four times as many employees today as we had then, and while we have a larger national debt by far than we had then—

Mr. TYDINGS. Eight times as large.

Mr. DONNELL. Yes, eight times as large as we had then, and while we have a different President of the United States than we had then, we have the same Constitution of the United States as we had in 1939.

May I call attention to the fact, as I understand and read the Senator's brilliant and eloquent remarks made on March 20, 1939, as I recall the date—

Mr. TYDINGS. And they were not written the night before, either.

Mr. DONNELL. I take it they were not. I take the Senator's remarks were prepared with care and deliberation and were delivered in a most effective manner. I call attention to the fact that as I interpret his remarks he was basing his opposition to the Wheeler amendment, and his opposition to what was in effect the Byrd amendment, upon the high ground of constitutionality, and with his permission I should like to read a portion of his speech, and I shall not trespass long upon his time.

Mr. TYDINGS. The Senator can put the speech in the RECORD. I do not want the Senator to read it into the RECORD now. The Senator can place it in the RECORD. I want posterity to read that speech three or four times, because it is a good one.

Mr. DONNELL. If the Senator will permit me, I should like to read a few brief portions of that speech.

Mr. TYDINGS. No; I cannot allow the Senator to do that in my time. He can do it in his own time. I am perfectly willing to admit that the speech was a good one, and I think I have answered the Senator's statement with reference to it. If the Senator wants to engage me in a battle of wits, to lay aside the so-called argumentative part of the proposition, and take up the lighter foils with him, I shall be glad to do so at another time, if he desires to fight with such tools.

Mr. DONNELL. Do I understand that the Senator prefers that I should not read it at this time?

Mr. TYDINGS. I do, until the Senator obtains the floor, and then he can

read it in his own time. I shall be glad if the Senator will put the speech in the RECORD, because I like to have my speeches quoted, not once, but many times.

Mr. President, we have had a little banter in connection with this matter which has not diminished the sum total of human progress, I hope. Perhaps I have been guilty of some inconsistency, but that is a small matter.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. TYDINGS. Not just now. The point is: What is going to be the best thing we can do for the welfare of the Republic. Can we reorganize the Government by exempting so much and so many of its functions that the man we assign to do the task cannot properly do it? Can we hope to achieve greater efficiency by segregating one after the other the numerous bureaus and agencies of the Government, and saying, "Do not touch them"?

Would it not be better; in spite of the argument that has taken place here, considering that we are now unable to balance the budget, that we are not going to be able to balance the budget next year, that we have four times as many employees now, or thereabouts, as we had back in the 1930's—

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. TYDINGS. Yes.

Mr. SALTONSTALL. I should like to call the attention of the Senator from Maryland to page 5 and page 15 of the committee's report on Calendar No. 651, Senate bill 1120.

Mr. TYDINGS. Yes.

Mr. SALTONSTALL. On page 5 the committee's report states the regulatory boards which are exempted have a total of between ten and twenty thousand employees. Those figures are mine, because they are not added.

On page 15 it is shown that on April 1 there were in Government employ approximately 2,900,000 people. As I understand, these exemptions are all of regulatory boards which were created by laws enacted by Congress to protect the individual citizen against his Government. The purpose of this reorganization is to cut down the executive boards created because of the war and caused by the bureaucracy which grew up in preparation for the war. If we fail to exempt these regulatory bodies we leave to the Executive to carry out the functions which these boards were created by Congress to perform in order to protect the individual citizen from Government itself and from the executive department itself.

From the standpoint of economy, I respectfully point out to the Senator from Maryland that the total number of such employees is between 10,000 and 20,000, if the committee's figures are correct, and that we are dealing with other groups involving 2,900,000 employees. So, on the question of economy alone, I respectfully submit that the Senator's argument is not a strong one.

Mr. TYDINGS. Mr. President, I believe that the Senator from Massachusetts makes a very strong point when he says that if the agencies so far ex-

empted in the bill were taken out of the exempted class and treated in any way by the President in his program the effect, either plus or minus, would be slight from the standpoint of economy. I think the point is well taken and that the extent of economy or efficiency involved in eliminating these agencies from the scope of the bill would be small.

But that is not what I am attempting to say. We have already included another agency, namely, the Maritime Commission. There is no reason in the world why the OPA should not be included. I am sure that the Senator will see that if his philosophy is expanded like an accordion, we shall soon reach the point where I know that what he wishes to accomplish and what I wish to accomplish will not be achievable. My remarks were not directed primarily to the exemptions already in the bill. However, I would prefer to have them eliminated. My remarks were directed toward the practice of commencing to exempt this, that, and the other agency from the bill. Other amendments are on the table. I hope they will not be offered, because I feel that the bill could be so loaded down with exemptions that what ought to be achieved could not be achieved. Therefore I concede that the point advanced by the Senator from Massachusetts, so far as economy and efficiency are concerned, is well taken; but I do not concede that the principle is any different whether 14 institutions are exempted, or whether 24, 36, or more are exempted.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. SMITH. In the light of the Senator's very able argument, I am wondering if he does not see the position of those of us on the committee who would have preferred to eliminate all exemptions, provided there was a proper check by the Congress on what was done under the President's plan.

Mr. TYDINGS. I should be very glad to vote for the Donnell amendment. In fact, I would prefer it, provided that the President had a clear opportunity to do an over-all job. I should prefer to give him complete power, with a check by Congress. I should call that the perfect way to achieve the desired result. I do not believe we can do that. The 14 exemptions already in the bill have led me to try to rescue from the form in which the bill is presented the best I can get of what I should like to have had.

Mr. SMITH. The Senator answers my question. We could have eliminated all the exemptions and could have had a clean bill, provided Congress had the proper check by the constitutional method.

Mr. TYDINGS. If some Senator will submit such a proposal at the conclusion of this debate, it will receive my enthusiastic support. I ask only that all exemptions of bureaus be eliminated, in which event I shall be ready for the Congress to act on the bill. We would be trusting the President to do a good job, and would act only if he did not, whereas now we do not trust him quite enough, and do not even trust ourselves enough.

Mr. DONNELL. Mr. President, in view of the discussion of the past few minutes, I should like to place in the RECORD the remarks made by the distinguished Senator from Maryland [Mr. TYDINGS] in 1939. I am not doing so from the standpoint of criticism. Perhaps I have spoken vigorously, but I feel very strongly on the question. As I see it, in no instance should we sacrifice constitutionality or principles for expediency. In my judgment, the Senator from Maryland, powerful in intellect and eloquent in expression as he is, back in 1939 stated so clearly the constitutional point involved that I should like to have it in the RECORD. I read the following colloquy, which occurred on March 21, 1939:

"Mr. TYDINGS. Congress fails to take any action, and a period of 10 days elapses. Then the President's order becomes law, as I understand. Is that correct?"

"Mr. GILLETTE. A period of 60 days."

"Mr. TYDINGS. A period of 60 days. Is that correct?"

"Mr. GILLETTE. Unless the Congress has acted under the powers reserved to it in the law."

Mr. TYDINGS. Congress fails to act. Then the President's order becomes the law of the land."

Then the Senator from Maryland asked this significant question:

"Where do we find in the acts of Congress an instance in which a former act of Congress has been repealed in that fashion? May the Executive be given authority to repeal acts of Congress by the passage of a law authorizing him to do so?"

Then he says:

"I am asking for information, because frankly, without any discussion, I believe that if we give the President that much authority we violate the limitations on the delegation of legislative power, which must have a top and a bottom. We give the President authority, in effect, to repeal an act of Congress; and the citizen can find no law in all the statute books in which the act creating the Interstate Commerce Commission has been revised, altered, or repealed."

"I think that is a true statement of the case. I should like to hear the Senator say whether or not he believes the failure of Congress to take action, thus permitting the President's recommendation to become a law, would be good law; in other words, that the President could abolish a department by Executive order because the Congress had failed to act."

Mr. President, as I see it the action taken this afternoon, in part with the assistance of the vote of the distinguished Senator from Maryland, has given to the President legislative power which, as I understand, the distinguished Senator from Maryland believed in 1939 could not be given to the President.

One further word, and I shall close. As I see it, there may be changes in conditions from year to year, changes in the number of employees, changes in the types of departments, and changes in the personnel of the Presidency of the United States. But there remains constantly the Constitution of the United States, which does not change except by the act of the people through amendment. The Constitution remains the same today as it was in 1939, on the day when the distinguished Senator from Maryland deemed it improper under the Constitution to attempt to delegate leg-

islative power to the President, a power which, by the action we are taking this afternoon, with the vote of approval of the Senator from Maryland, we have undertaken to delegate to the President of the United States.

ONE MILLION NEW BUSINESSES—ARTICLE BY SENATOR WHERRY

Mr. WHERRY. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article which I have written for Forbes magazine, which includes a brief statement having to do with the argument which I advanced on the floor of the Senate relative to the full employment bill.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ONE MILLION NEW BUSINESSES

(By KENNETH S. WHERRY, United States Senator from Nebraska)

Our most vital problem today is to win the battle of reconversion. Right now we are at a point where uncertainty may well prevent us from reaching our ultimate goal. A complete, all-out effort must be made to get the wheels of industry humming, to insure an era of expanding prosperity and the largest possible number of jobs.

Hundreds of returning veterans and small businessmen, prevented from activities by the confusion of economic forces, have come to me as a member of the Senate Small Business Committee, asking two questions: What does this administration propose to do to induce new business venture? How does it plan to assure maximum employment? No answer to either question rests in the New Deal Utopian panacea, the so-called full employment bill, which to my mind is the most flagrant attempt yet to undermine our free economy.

My answer—a businessman's answer—to both questions would be to assure the country the opportunity for the success and legitimate profit of 1,000,000 brand-new businesses, services, and professions, plus a fresh chance for the thousands of small businesses which were war casualties.

A DEFEATIST POLICY

That would be the sound, American approach to the fullest possible employment. Yet, for the next half century, attempts to legislate jobs will probably be with us, kept alive by internal malcontents and alien subversives working through misguided economic planners and professional "do-gooders." There is no logical reason for this type of thinking in America.

It denies the inherent American pride of self-sufficiency and initiative and propounds the idea that a man, his company or his union is no longer able to find opportunity and security except within a collective system. It is a defeatist and a deficit philosophy of providing employment upon vast debt, as opposed to our traditional way of providing employment out of production and the actual creation of new wealth. It completely ignores sound and proven economic principles, such as the fact that the American system of free enterprise and free labor has produced the highest standard of living ever reached by civilization; and was the only economic system able in the hour of world peril to furnish the fighters, the workers, the production, and the machines capable of smashing enemies whose aggression had been long and carefully planned upon a basis of controlled industry and regimented labor.

The idea behind the full employment bill has been publicized in such a manner as

to make its opponents appear to deny the virtue and necessity of the fullest, possible employment. Obviously, nothing could be further from the truth. Everybody wants to see full employment, not only for decent Christian reasons of humanity, but also for the selfish reason that everybody profits. There is no controversy over the basic soundness of full employment. The controversy is whether the Government can make such a guarantee without, in the process, destroying the only real source of employment—industry.

There is nothing new in the fundamental idea of planning an entire economy to the end that it produces full employment and security. The Pharaohs tried it, and fell, as did the Incas, and Hitler. We have yet to see what happens with the Soviet experiment, but of its present state we do know two things: (1) Few Americans prefer Russia's standard of living and regimented control; (2) every year the Russians incorporate more of the methods of American free enterprise, wherever they make progress in emancipating the worker from slavery to the machine and from complete subservience to the totalitarian economic system.

Any serious consideration of the full employment bill must admit these facts: Either the measure opens the way toward entire and arbitrary Government control of all industry, all business, all farming, and all labor, or else it means absolutely nothing. It is a "fool" employment bill, which fools the public into believing that it will guarantee employment, whereas actually the measure contains no means of providing it. In essence, the bill goes no further than a declaration of policy. No money, nor means of raising money, to meet pay rolls is provided; nor is there any definition of skills and employment, rates of pay, or types of work which might be created.

The bill would commit Congress, at least morally, to a program of guaranteeing full employment by some means which could not be other than arbitrary, totalitarian, and entirely destructive of our free and competitive economic system. The spirit of the bill aims at a vast Government dole of made employment—raking leaves and building nonproductive works—which would be paid for out of taxes and deficit spending at the very time when the burden would act most heavily to further depress existing industry and the possibility of new business. With a saturation of Government borrowing power there would be no further means of raising the enormous deficit pay rolls on nonproductive works. The only alternative would then be for the Government to enter directly into competition with established industry, using means akin to outright confiscation and permanent static controls over all segments of our economy.

GOVERNMENT CONTROL INEVITABLE

Up to the point where any type of Government guarantee would become effective, the impending threat of Government control would hang like a sword of Damocles over business, industry, and labor. Friends of labor have admitted this to me privately. From the outset, the Government would have to be ready to compel people to work where, for how long, and at what wages and jobs bureaucrats dictated. Since full employment could not be guaranteed if widespread strikes were to ensue, the Government would either have to stop strikes or strikes would stop full employment—and production—for such time as they might be in progress. The rights of unions, the initiative of private enterprise, and the freedom of the individual would all be equally endangered and constricted.

In my opinion, that is precisely what the professional economic planners aim at: A state of vague and illusory promises and threats which would ultimately sap the vigor of our traditional system. At the moment,

the bill lies shelved in the House, but we can expect efforts either to wiggle it through in present form, or to intrigue toward a compromise measure which will still contain the basic elements of this defeatist thinking.

Now, there is a way toward real full employment, and it is the American way that has worked effectively in the past. It lies in forthright legislation that will actually help instead of hinder the real sources of wealth and prosperity—free labor and free industry. The only possible opportunity for permanent full employment is under an expanding economy which, through increased efficiency, improved techniques and a free play of competitive markets and supplies, will continue to provide more and more goods and services, at lower costs and prices. It is obvious that we cannot maintain such trends if we permit our Government to establish basic economic policies detrimental to sound business practice.

If we seriously hope for permanent prosperity and full employment, we have got to begin at the grass roots of all production and the origin of all wealth—the soil. We possess no wealth that did not originate in agriculture, woods, or mines. We have got to see that those industries are given the opportunity for prosperity. Then we have got to look to the greatest giver of employment—not the farms or factories—but the middle bracket, which includes our self employed, our small businesses, our service trades and professions. This group constitutes the great proportion of the country's earners and purchasing power, and, during the years of economic transition, has been without voice and is nearly throttled.

To give an idea of this group's comparative importance: In 1870, employment was divided into agriculture, 53.5; manufacture, 21.9; service, 24.6. We find in 1920 that a great change had taken place and agriculture showed only 27.6 of employment, manufacture, 32.9, and service, 39.5. But in 1930, service had jumped to 47.2 of all employment. Agriculture had dropped to 21.9 and manufacture to 30.9. The expansion in this group should be even greater in the post-reconversion period.

It seems logical, then, to look to the service group, the small-business bracket, as offering the firmest keystone for postwar prosperity. It is this group particularly which would be further burdened and discriminated against by any attempt at Government guaranty of full employment. It is small business that suffers most from red tape, paper work and restrictions. By the nature of its operations, its own employment and its employing cannot be guaranteed. It is inherent in small business that it does not simply improve a technique to increase its profit, nor does it always produce for an already existing market. The small business has to go out and sell its offerings; it actually has to create its own market. It is the chief producer and the chief user of employment, and it is the chief consumer of all business in itself.

FOUR-POINT PROGRAM

To help all business, but small business in particular, to create the fullest and most immediate employment, I recommend concentrated public urging of the following four legislative steps:

1. Revise the tax structure, so that present inflationary trends are eliminated and venture and risk investment is not jeopardized by antagonistic fiscal management. A niggardly tax reduction will not give the impetus necessary to free risk capital and sustain our present national income. We have spent 13 years of pivoting our economy upon the Government. It is time to put the pivot back where it belongs, within business.

2. Actually rid ourselves of all possible restrictions. For example, ammunition has been released as surplus for civilian consump-

tion for some time, but I have a veteran constituent who has found it impossible to get actual delivery of \$6,000 worth of shotgun shells. Red tape and delay are threatening the success of his new business. Those shells will be no good to him when the hunting season closes.

3. Establish Government policies making clear that the Government means to get out and stay out of interfering with business. From March 1939 to June 1944 American business was throttled by over 76,000 separate directives, many of which are still wholly or partially in force. Both established and potential business is just plumb scared to take a risk in view of what the "planners" may cook up next.

4. Congress should take the bull by the horns and set up whatever governmental machinery is necessary to clarify this Administration's attitude on a standard of wages, working conditions, and labor disputes, so that both business and labor can know where it stands and adjust itself accordingly.

These affirmative steps will supply a foundation upon which business initiative can build a new era of expanding prosperity. By next July enough servicemen will be discharged to get hundreds of thousands of new businesses and services immediately humming. If we seriously want the fullest possible employment, that is the American way to make it. We owe the opportunity to our returning veterans, and it is the sound way of reaching a higher level of American prosperity—1,000,000 new businesses; new wealth; new jobs.

ESTATE OF PETER G. FABIAN, DECEASED

The PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H. R. 1890) for the relief of the estate of Peter G. Fabian, deceased, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ELLENDER. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. JOHNSTON of South Carolina, Mr. EASTLAND, and Mr. WHERRY conferees on the part of the Senate.

RUFUS A. HANCOCK

The PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H. R. 2578) for the relief of Rufus A. Hancock, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ELLENDER. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. ELLENDER, Mr. O'DANIEL, and Mr. MORSE conferees on the part of the Senate.

MR. AND MRS. JOHN T. WEBB, SR.— CONFERENCE REPORT

Mr. ELLENDER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the

amendments of the House to the bill (S. 784), entitled "An Act for the relief of Mr. and Mrs. John T. Webb, Senior", having met; after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

In lieu of the sum inserted by the House in line 6 of the bill, to wit "\$6,519.95" insert the figures "\$7,019.95"; and the House agree to the same.

ALLEN J. ELLENDER,
JAMES M. TUNNELL,
Managers on the Part of the Senate.
DAN R. MCGEEHEE,
FRANK E. HOOK,
Managers on the Part of the House.

The report was agreed to.

EXECUTIVE SESSION

Mr. MURDOCK. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDENT pro tempore. If there be no further reports of committees, the clerk will proceed to state the nominations on the calendar.

NAVY DEPARTMENT

The legislative clerk read the nomination of John J. Manning to be Chief of the Bureau of Yards and Docks, with the rank of rear admiral.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Oswald S. Colclough to be Judge Advocate General of the Navy, with the rank of rear admiral.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of George L. Russell to be rear admiral in the Navy, for temporary service, to continue while serving as Assistant Judge Advocate General.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed; and, without objection, the President will be notified forthwith of the confirmation of the Navy nominations.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. MURDOCK. I ask unanimous consent that the nominations of postmasters be confirmed en bloc and that the President be immediately notified of the confirmation of postmaster nominations.

The PRESIDENT pro tempore. Without objection, the postmaster nominations are confirmed en bloc and the President will be notified forthwith of the confirmations.

RECESS

Mr. MURDOCK. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 32 minutes p. m.) the Sen-

ate took a recess until tomorrow, Friday, November 16, 1945, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 15 (legislative day of October 29), 1945:

DEPARTMENT OF THE NAVY

John J. Manning to be Chief of the Bureau of Yards and Docks, with the rank of rear admiral, for a term of 4 years, from December 1, 1945.

Oswald S. Colclough to be Judge Advocate General of the Navy, with the rank of rear admiral, for a term of 4 years.

IN THE NAVY

George L. Russell to be rear admiral in the Navy, for temporary service, to continue while serving as Assistant Judge Advocate General.

POSTMASTERS CALIFORNIA

Joe Sanguinetti, Banta.
Eula M. Cook, Cambria.
Milton H. Jones, Pinedale.
Bertha E. Colahan, Romoland.
Elanora M. Larson, Sunnymead.

COLORADO

Albert Ross Mauro, Weston.

NEW YORK

Herbert S. Redner, Arden.
Clarence A. Parker, Burlington Flats.
Sherman G. Simmons, Byron.
James J. Cunningham, Caledonia.
Charles R. Freece, East Worcester.
Joyce S. Walrod, Georgetown.
Anna C. Townsend, Glenham.
Mary H. Stanton, Glen Spey.
John L. Stecz, Haverstraw.
Harriet Space, Huguenot.
Mary M. McCaughey, Leicester.
Bethel Waters, Marcellus Falls.
Velma G. Banner, Maryland.
Katherine B. Kinne, Memphis.
Mina H. Davis, Meridian.
M. Louise Soule, Minoa.
John G. Quigley, Mottville.
Matilda B. Engelmann, Mount Vision.
Elva G. Commerdinger, Nesconset.
Nelson A. Fisher, Poestenkill.
Elizabeth F. Filkins, Riparius.
Leona M. Gifford, Sacandaga.
Daisy H. Evans, Slate Hill.
John Speed, Slaterville Springs.
Florence McElroy Simon, Taberg.
Lula M. Oliver, Treadwell.
Margaret M. Kuney, Verplanck.

OKLAHOMA

Albert Smith, Devol.
William R. Baker, Maramec.

PENNSYLVANIA

Bertha A. Snyder, Beachlake.
Ella George, Cassandra.
Marion H. Thrasher, Cranesville.
Martha S. Darlington, Darling.
Lloyd E. Latshaw, Dornisife.
Frank W. Nangle, Force.
Joseph F. Shaffer, Harmony.
Isolabel McElhoes, Home.
Beatrice A. Curley, Ithan.
Ella M. Robinson, Large.
Josephine R. Gift, Lemasters.
Henry L. Whitaker, Narvon.
Beatrice I. Duerr, New Britain.
Eva Morris, New Derry.
Adam Hoover, Newry.
Elmer J. Kirk, Rockton.
A. Irene Close, Sproul.
Zella M. Larimer, Stahlstown.
Harold E. Brocius, Timblin.
Harold H. Peiffer, Union Deposit.
William M. Betz, Venus.
Elsie R. West, Wawa.
Abel S. Landes, Wycombe.

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued November 19, 1945; for actions of Friday, November 16, 1945)

(For staff of the Department only)

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HIGHLIGHTS. Sen. Thomas (Okla.) submitted amendment to UNRRA appropriation bill to prohibit purchase of any agricultural commodity below parity price. Senate continued debate on reorganization bill; debated Smith amendment which eliminates exemptions but requires enactment of plans by positive law.

SENATE

1. REORGANIZATION. Continued debate on S. 1120, the reorganization bill (pp. 10925-42). Debated Smith amendment which eliminates "all restrictions on the President..., asks him to present to Congress a reorganization plan covering anything he wants it to cover. All exceptions are omitted... [and] it protects the Congress by accepting the Donnell amendment which provides that such a plan shall go into effect when it has been approved by joint resolution" (p. 10927).
2. UNRRA APPROPRIATIONS. Sen. Thomas, Okla., submitted an amendment which he intends to propose to H.J. Res. 266, the UNRRA appropriation bill (p. 10922). His amendment would prohibit the use of any funds provided in the measure for the purchase of any agricultural commodity (except such as may be in hands of Government agencies) at a price which reflects to the producer a price below the full parity price, or for the purchase of agricultural commodities outside the U.S. unless such commodities are not available at full parity prices.
3. NOMINATION. The Interstate Commerce Committee reported favorably the nomination of Robert E. Freer to be a Federal Trade Commissioner (p. 10943).
4. PUBLIC LANDS; MINERALS. Passed without amendment S. 1459, to provide for the extension of five-year oil and gas leases expiring before Dec. 31, 1946, until that date (p. 10935).
5. PETROLEUM. Sen. O'Daniel, Tex., inserted letters and articles setting forth the Independent Petroleum Association of Texas' opposition to proposed Anglo-American petroleum agreement (pp. 10920-1).
6. ADJOURNED until Mon., Nov. 19 (p. 10943).

7. TRANSPORTATION; FREIGHT RATES. The Interstate and Foreign Commerce Committee reported with amendment H.R. 2536, which authorizes ICC to supervise freight-rate agreements between carriers and excepts such agreements from prosecution under Federal antitrust laws (H.Rept. 1212) (pp. 10946, 10954).
8. EXECUTIVE AUTHORITY. The Special Committee to Investigate Executive Agencies submitted its 9th intermediate report pursuant to H.Res. 88 (H.Rept. 1210) (p. 10954).
9. FULL-EMPLOYMENT BILL. Reps. Gathings, Ark., and Smith, Ohio, criticized the "regimentation" features of these bills, S. 380 and H.R. 2202 (pp. 10947-8, 10950).
10. SMALL BUSINESS; PRICE CONTROL. Reps. Patman, Tex., Pittenger, Minn., Smith, Ohio, and Vursell, Ill., discussed the effect upon small business of the removal of certain price controls too early, especially as applied to new car prices (pp. 10950-4).
11. PERSONNEL. Rep. Rich, Pa., criticized the "shirkers" in Federal employment who are "drawing wages and salaries, and doing very little" (p. 10947).
12. WOOL. Received a Maine Woolen and Worsted Association resolution opposing reduction of present tariff schedules concerning the woolen and worsted industries (p. 10955).
13. ADJOURNED until Mon., Nov. 19 (p. 10954).

BILLS INTRODUCED

14. LAND GRANTS; TRANSPORTATION. S. 1602, by Sen. Downey, Calif., to confirm title to certain railroad-grant lands located in Kern County, Calif. To Public Lands and Surveys Committee. (p. 10922.)
15. PERSONNEL; RETIREMENT. H.R. 4718, by Rep. Forand, R. I., to provide optional retirement for Government officers and employees who have rendered at least 20 years of service. To Civil Service Committee. (p. 10955.)
16. PERSONNEL; OVERTIME. H.R. 4720, by Rep. Ramspeck, Ga., to amend the Act of Dec. 7, 1944, relating to certain overtime compensation of U.S. employees. To Civil Service Committee. (p. 10955.)
17. VETERANS. H.R. 4722.

ITEMS IN APPENDIX

18. FARM PRICE PARITY. Extension of remarks of Rep. Sabath, Ill., including Baltimore Sun and New York Times editorials on the increase of foodstuff prices which would result from the Pace (H.R. 754) and Thomas (S. 507) bills to include farm-labor costs in the parity formula (pp. 5309-10).
19. ELECTRIFICATION; HOUSING. Extension of remarks of Rep. Voorhis, Calif., commending the REA program and favoring a Mutual Housing Administration (pp. A5294).
20. FULL EMPLOYMENT. Rep. McCormack, Mass., inserted a Boston Sunday Globe article favoring a full-employment program (pp. A5296-7).

year, just as the amendment which I offered in the committee provided.

Mr. O'MAHONEY. I submit that the fact that a different amendment is now being presented from that which was offered in the committee is in itself evidence that the committee has not had time to consider the matter in as well-rounded a manner as it should be considered.

Let me say also that the Secretary of War was invited to come before the committee, as was the Secretary of the Navy. The Secretary of War came. If I correctly remember, the Secretary of the Navy was unable to come because the clerks of the committee were not able to reach him in time for the session which we held. The Secretary of War specifically requested us not to take any action fixing the pay before the War Department had had an opportunity to present its case. That is why I feel now, as I felt in the committee, that action upon the matter at this point would be a premature adjudication of a most important subject.

Mr. OVERTON. If the Senator will pardon an additional interruption, it has always been premature so far as the War and Navy Departments are concerned. It will continue to be premature when the next appropriation bill is before us. It will continue to be premature when the reports are received. There never has been a proper time to regulate excessive flight pay.

Mr. O'MAHONEY. I merely invite the attention of the Senate to the fact that the language of the bill which will be before the Senate in due time clearly shows that if the amendment recommended by a majority of the committee is adopted the War Department and the Navy Department will be called upon to present their recommendations, and at last we shall be in a position to judge this question upon its merits, after a full hearing.

The amendment intended to be proposed by Mr. OVERTON to the bill (H. R. 4407) reducing certain appropriations and contract authorizations available for the fiscal year 1946, and for other purposes, was ordered to lie on the table and to be printed, as follows:

On page 44, line 8, strike out the word "Effective", and insert in lieu thereof the following: "The appropriations contained in the 1946 War and Navy Department Appropriation Acts shall be available for increased pay for making aerial flights by flying or nonflying officers at rates as follows:

"Nonflying officers, \$720 per annum.

"Flying officers, not in parachute jumping or glider pay status, who are required by orders of competent authority to participate in regular and frequent flights as an essential part of their military duty and training, shall receive an increase of 50 percent of their pay when in consequence of such orders they participate in such flights: *Provided*, That such increase shall not exceed \$125 per month: *Provided further*, That effective—."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 1591) to provide for the appointment of additional cadets at the United States Military Academy, and

additional midshipmen at the United States Naval Academy, from among the sons of officers, soldiers, sailors, and marines who have been awarded the Congressional Medal of Honor.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 1868. An act authorizing appointments to the United States Military Academy and the United States Naval Academy of sons of members of the land or naval forces of the United States who were killed in action or have died of wounds or injuries received, or disease contracted, in active service during the present war, and for other purposes; and

H. R. 2525. An act to include stepparents among those persons with respect to whom allowances may be paid under the Pay Readjustment Act of 1942, and for other purposes.

REORGANIZATION OF GOVERNMENT AGENCIES

The Senate resumed the consideration of the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

Mr. TAFT. Mr. President, I modify the amendment which I offered yesterday by striking out "1943" and inserting "1945."

The PRESIDING OFFICER (Mr. ELLENDER in the chair). The modification will be made.

Mr. TAFT. Mr. President, the purpose of the amendment is to provide that no reorganization plan shall reverse express action taken by the present Congress or any other Congress prior to the time the reorganization power expires in 1947. In other words, it provides in effect that, after having taken the RFC away from the Department of Commerce, the President cannot turn around and put it right back there, or after having set up the REA, after long consideration and bitter fight, as an independent agency of the Department of Agriculture, that action shall not immediately be reversed by a reorganization plan. I am even more interested in the everyday situation. We are constantly considering bills relative to the set-up of certain departments and agencies. We are confronted with that situation in connection with the housing bill and the hospital bill wherein we grant certain powers delimited by the right of a board to take certain action or by other conditions which could be removed by a reorganization plan. So my amendment as modified simply provides that when Congress has taken direct action by January 1 of this year, it shall not be reversed by a reorganization plan.

Mr. MURDOCK. Mr. President, I understand that the amendment of the Senator from Ohio has exactly the meaning which he has described and defined, and it seems to me to be an unobjectionable amendment. In my opinion, the reorganization of the executive branch of the Government is for the purpose of bringing about the elimination of mistakes which probably have been running over a period of years; and by our experience and by the experience of the Executive it has been learned that there are such mistakes, and they are to be rectified under the reorganization bill.

I agree with the Senator from Ohio that if the Congress has recently taken

action affecting an agency and has enacted legislation about it—which must, of necessity, go to the President for his approval—and if the President has approved it and it becomes the law of the land, then certainly the next day or the next week or the next month it should not be subject to change under a reorganization plan. I am agreeable to adoption of the amendment of the Senator from Ohio, now that it has been modified to bring the date down to January 1, 1945. So far as I am concerned, acting in behalf of the Senator from Nevada [Mr. McCARRAN] in handling this bill, and expressing only my own thought on it, I am perfectly willing to take the amendment offered by the Senator from Ohio to conference, if it is agreed to by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio, as modified.

The amendment, as modified, was agreed to, as follows:

On page 13, at the end of line 6, strike out the period, insert a colon, and add: "*Provided*, That no reorganization plan submitted shall contain any disposition in conflict with any act of Congress passed after January 1, 1945, dealing expressly with the creation, transfer, consolidation, or coordination of any agency or the distribution or coordination of powers or functions between agencies or within any agency."

The PRESIDING OFFICER. The committee amendment is open to further amendment.

Mr. SMITH. Mr. President, at the close of the debate yesterday, in a question and answer exchange with the distinguished senior Senator from Maryland [Mr. TYDINGS], the stated that if at the close of the debate some Senator would submit a proposal along the lines of the one then under discussion, it would receive his enthusiastic support. The proposal to which the Senator from Maryland was referring, and which I had suggested to him, was that there should be offered to the pending bill an amendment by which the President would be given free and unlimited power to propose a reorganization plan without any strings attached to it, and which would provide the constitutional protections which the Senator from Missouri [Mr. DONNELL] has so ably been advocating in his discussion, namely, that the President's proposal be submitted to both Houses of Congress for their regular constitutional approach and appropriate action.

In light of the distinguished Senator's expression of willingness to go along with an amendment of that kind, I have prepared such an amendment in collaboration with the Senator from Missouri [Mr. DONNELL] and the Senator from Maryland [Mr. TYDINGS]; and in behalf of those two distinguished Senators and myself, I offer the amendment to the pending bill. I send it to the desk and ask that it be read. It is in the nature of a substitute. It would give the President full power—in fact, it would ask the President—to reexamine the organization of all agencies of the Government, as provided in the pending bill, to determine what changes are necessary, and then to submit his proposal to the

Congress. The amendment provides further, as will appear when it is read, that the plan so submitted shall take effect when there shall have been enacted a joint resolution approving such plan.

Mr. President, I send the amendment to the desk to be read, and after it has been read, I should like to speak further on the subject.

The PRESIDING OFFICER. The amendment will be read.

The amendment was read, as follows:

Amendment (in the nature of a substitute) proposed by Mr. SMITH (for himself, Mr. DONNELL, and Mr. TYDINGS), to the committee amendment to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes, viz: In lieu of the language beginning on page 9, line 9, and extending down to the end of the bill, insert the following:

"That this act may be cited as the 'Reorganization Act of 1945.'

"TITLE I

"SECTION 1. (a) The President shall examine and from time to time reexamine the organization of all agencies of the Government and shall determine what changes therein are necessary to—

"(1) facilitate orderly transition from war to peace;

"(2) reduce expenditure to the fullest extent consistent with the efficient operation of the Government;

"(3) increase the efficiency of the operations of the Government to the fullest extent practicable;

"(4) group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;

"(5) reduce the number of agencies by consolidating those having similar functions under a single head, and by abolishing such agencies as may not be necessary for the efficient conduct of the Government;

"(6) eliminate overlapping and duplication of effort; and

"(7) provide for making currently and continuously such adjustments in the Government establishment as may be necessary or desirable in the interests of economy and efficiency.

"(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding under the provisions of this title, and can be accomplished more speedily and efficiently thereby than by the enactment of specific legislation.

"SEC. 2. Whenever the President after investigation finds that adjustments in the Government establishment or reorganizations in Government agencies are necessary or desirable to accomplish one or more of the purposes of section 1 (a), he shall prepare a reorganization plan for the making of any reorganizations which he elects to include in the reorganization plan and shall transmit such reorganization plan bearing an identifying number to the Congress, together with a declaration that with respect to each reorganization specified in the plan he has found that such reorganization is necessary or desirable to accomplish one or more of the purposes of subsection 1 (a). The delivery to both Houses shall be on the same day and shall be made to each House while it is in session.

"SEC. 3. (a) Any reorganization plan transmitted pursuant to section 2 shall, subject to the succeeding provisions of this section, take effect when there shall have been enacted a joint resolution approving such plan. Each reorganization specified in a plan which shall have been approved by the enactment of such a joint resolution shall take effect on the date of enactment of such joint resolution

tion or on the date specified pursuant to subsection (b) with reference to such reorganization, whichever may be the later date: *Provided*, That if either House of the Congress shall pass a resolution referring a reorganization plan back to the President with a request for specific changes, the President shall reaffirm his approval of the plan as originally transmitted or shall retransmit the plan with changes; and if he shall retransmit the plan with changes, it shall be deemed to be a new reorganization plan.

"(b) Any provision of the plan may, under provisions contained in the plan, be made operative at a time later than the date on which the plan shall otherwise take effect.

"SEC. 4. (a) All orders, rules, regulations, permits, or other privileges made, issued, or granted by or in respect of any agency or function reorganized under the provisions of this act and in effect at the time of the reorganization shall continue in effect to the same extent as if such reorganization had not occurred, until modified, superseded, or repealed, except as otherwise provided in a reorganization plan.

"(b) No suit, action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of any reorganization plan under the provisions of this act, but the court may, on motion or supplemental petition filed at any time within 12 months after such reorganization plan takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the successor of such officer under the reorganization so effected.

"(c) All laws relating to any agency or function reorganized under the provisions of this act shall, insofar as such laws are not inapplicable, remain in full force and effect.

"SEC. 5. When used in this act—

"(a) The term 'agency' means any executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, service, office, authority, administration, or other establishment in the executive branch of the Government.

"(b) The term 'establishment in the executive branch of the Government' does not include the General Accounting Office, which is an establishment in the legislative branch.

"(c) The term 'reorganization' means any transfer, consolidation, coordination, abolition, or other measure, provided for in any reorganization plan transmitted pursuant to section 2.

"TITLE II

"SEC. 201. The following sections of this title are enacted by the Congress:

"(a) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in sec. 202); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

"(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

"SEC. 202. As used in this title, the term 'resolution' means only a joint resolution, the matter after the resolving clause of which is as follows: 'That the Congress approves the reorganization plan No. ——— transmitted to Congress by the President on ———, 19—', the blank spaces therein being appropriately filled; and does not include a joint resolution which specifies more than one reorganization plan.

"SEC. 203. A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

"SEC. 204. (a) If the committee to which has been referred a resolution with respect to a reorganization plan has not reported it before the expiration of 30 calendar days after its introduction (or, in the case of a resolution received from the other House, 30 calendar days after its receipt), it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such reorganization plan which has been referred to the committee.

"(b) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to not to exceed 3 hours, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

"(c) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same reorganization plan.

"SEC. 205. (a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

"(b) No amendment to the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"SEC. 206. (a) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a reorganization plan, and all motions to proceed to the consideration of other business, shall be decided without debate.

"(b) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate.

"SEC. 207. If, prior to the passage by one House of a resolution of that House with respect to a reorganization plan, such House receives from the other House a resolution with respect to the same plan, then—

"(a) If no resolution of the first House with respect to such plan has been referred to committee, no other resolution with respect to the same plan may be reported or (despite the provisions of sec. 204 (a)) be made the subject of a motion to discharge.

"(b) If a resolution of the first House with respect to such plan has been referred to committee—

"(1) the procedure with respect to that or other resolutions of such House with respect to such plan which have been referred to committee shall be the same as if no resolu-

tion from the other House with respect to such plan had been received; but

"(2) on any vote on final passage of a resolution of the first House with respect to such plan the resolution from the other House with respect to such plan shall be automatically substituted for the resolution of the first House."

Mr. CORDON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HOEY in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Andrews	Hart	O'Daniel
Austin	Hatch	O'Mahoney
Ball	Hawkes	Overton
Barkley	Hayden	Radcliffe
Billbo	Hickenlooper	Reed
Brewster	Hill	Russell
Bridges	Hoey	Saltonstall
Bushfield	Huffman	Shipstead
Capper	Johnson, Colo.	Smith
Carville	Kilgore	Stewart
Chavez	Knowland	Taft
Connally	La Follette	Thomas, Okla.
Cordon	Lucas	Tunnell
Donnell	McClellan	Tydings
Downey	McKellar	Vandenberg
Eastland	McMahon	Wagner
Ellender	Mead	Walsh
Ferguson	Millikin	Wheeler
Fulbright	Mitchell	Wiley
George	Moore	Wilson
Green	Morse	Young
Guffey	Murdock	
Gurney	Myers	

The PRESIDING OFFICER. Sixty-seven Senators having answered to their names, a quorum is present.

Mr. SMITH. Mr. President, I desire to speak on the pending amendment and explain to my colleagues in the Senate what change it proposes in the original bill as it came out of the committee and what change it proposes in the bill as amended by the amendments which were adopted yesterday, that of the Senator from Virginia [Mr. BYRD] and other amendments. Eliminating from the original bill all restrictions on the President as to what he may do and what he may not do, this amendment virtually asks him to present to the Congress a reorganization plan covering anything he wants to cover. All exceptions are omitted. But in the form in which my amendment is offered it protects the Congress by accepting the Donnell amendment which provides that such a plan shall go into effect when it has been approved by joint resolution passed by both Houses of Congress. This disposes of any question of constitutionality, because that is the way constitutional legislative action is taken.

So, going through the amendment rapidly, I have eliminated section 2 of the bill, which provides certain restrictions on what the President may or may not do in his plan. I have eliminated certain other provisions in section 3, which simply bind his hands, and in very general terms have said that whenever the President feels it desirable to accomplish the objective of reorganization he can submit the program to the Congress and then if the Congress, by affirmative action, by joint resolution, approves the plan, it goes into effect. That eliminates a great deal of material in the present bill which it seems to me would only

hamper the President in performing the task of reorganization.

I do not want to be in the position of interfering with reorganization. That is the reason I am urging the plan presented in the amendment. The President should have a free hand to tell the Congress what he wants in the way of reorganization in the executive departments, and it seems to me that the amendment would open the door for him to make such proposals, and then by way of legislative process the Congress could decide whether to legislate it into actual law. That seems to me to cover every objection which can be urged against the bill, and especially the objection made by the distinguished Senator from Maryland [Mr. TYDINGS] that we are on the one hand giving the President power and on the other hand placing so many exceptions in the bill that he is shorn of the power which we propose to give him. By my amendment he is not deprived of any power. He can submit to the Congress any proposal respecting reorganization he wishes to submit, and then it is up to the Congress in the proper and constitutional legislative manner to decide whether we will approve of the plan the President proposes.

In title II, I have accepted the procedure which was reported by the committee with regard to expediting action on a proposal of this kind. That is practically unchanged. I have also included in the bill the amendment offered by the Senator from Virginia [Mr. BYRD] yesterday with regard to resolutions coming before the two Houses, and preventing conflict in that respect.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. SMITH. I am glad to yield to the Senator from Utah.

Mr. MURDOCK. As I understand, from the Senator's explanation of the amendment, he eliminates from the bill any specific exemptions whatever. Is that correct?

Mr. SMITH. That is true.

Mr. MURDOCK. But on the other hand he exempts the entire executive arm of the Government from any reorganization except as such reorganization may be carried out by a joint resolution of Congress.

Mr. SMITH. Well, I do not know that I understand the Senator's question exactly, but my—

Mr. MURDOCK. The Senator with one hand strikes out, let us say, 15 agencies that are exempt under the bill, and then with the other hand he reaches out and takes the whole of the executive department and exempts it entirely from any reorganization, except as that reorganization may be enacted by a joint resolution of Congress. Am I correct?

Mr. SMITH. That is very true, and I take that position definitely because I think the President's action in this matter is legislative, and we have simply asked him, as our agent, to prepare a plan of reorganization which he thinks is desirable. We give him the right to do that. We say to him, "You know more about it than anyone else. We are not putting any restrictions on you. Tell us

what you have in mind, and if it comes within what we believe to be the proper form of reorganization, we, in the exercise of our legislative power under the Constitution, will go along with you. If we do not think so, we will not go along with you." We are doing directly, by direct legislative action, what the bill, as amended by the adoption of the amendment offered by the Senator from Virginia [Mr. BYRD], tries to do by indirection.

But under the theory of the bill, as amended by Senator BYRD, the President's plan would go into effect if the Congress went to sleep. We would have law by taking no action whatsoever. That is what I definitely object to. The distinguished Senator from Maryland [Mr. TYDINGS] yesterday made an urgent appeal to give the President a chance. That is what I want to do. He is given no real chance by the present bill, which ties him up with restrictions and exemptions. Under my proposal, the President can recommend changes, and we could accept them or not accept them as we deem wise. But I am not willing to give such broad powers to the President to reorganize the agencies of the Government if the Congress is going to be deprived of its legislative right under the Constitution to pass on the plan.

Mr. MURDOCK. Mr. President, will the Senator yield for one more question?

Mr. SMITH. I am glad to yield.

Mr. MURDOCK. In order to accomplish what the Senator has now ably explained to the Senate, the Senator includes in his amendment the Donnell amendment, does he not, in almost the identical language it was presented the other day by the able Senator from Missouri?

Mr. SMITH. That is true, because I think the Donnell amendment prevents any question of constitutionality being raised with regard to this legislation, and I think the Byrd amendment is of very questionable constitutionality.

Mr. MURDOCK. So the Senator, if he will yield further, so far as the parliamentary situation is concerned, has brought us right back to where we were prior to a vote on the Byrd amendment and the Donnell amendment. In other words, the Senate is again called upon to cast its vote on the very same subject that we voted upon yesterday in the votes cast on the Byrd amendment and the Donnell amendment.

Mr. SMITH. No; it is not the same vote; because my amendment would give the President a wide range in making his proposal to us. Objections were made on the floor that we were giving the President power with one hand and hamstringing him with the other. I do not want to hamstring the President. I want him to have full power to proceed and make any suggestions he wants to make to us, and we should be protected by retaining to ourselves our right to pass upon the proposals in the legislative way provided by the Constitution.

Mr. MURDOCK. So far as the joint-resolution procedure is concerned, you have adopted the Donnell amendment in identical language.

Mr. SMITH. Yes. I believe in the Donnell amendment because it takes care of the constitutional issue. That is true. I will admit that, of course.

Mr. President, it seems to me that if we do not adopt this substitute we are leaving ourselves in a very confused position. We shall have passed legislation which says to the President, "We want you to do something," but we put so many strings around him and provide so many exceptions concerning the agencies with which he can deal, that if he should see fit to transmit an over-all plan, suggesting fundamental changes, he would be seriously hampered. I have confidence enough to believe that President Truman wants really to reorganize the Government so that it will be more streamlined and consolidation and economy will be brought about. He has the responsibility under this bill to do it. We are inviting him to take such action. He can go into any department he wants to and make recommendations to Congress respecting it. If some parts of the plan are not acceptable, we can return them for his reconsideration. The Senator from Missouri [Mr. DONNELL], the Senator from Maryland [Mr. TYDINGS], and I have tried to put the amendment into form so it will have that flexibility.

I submit to my colleagues in the Senate that this is the direct and constitutional way to deal with this question. I think if we deal with it the other way we shall be confusing ourselves and confusing the public. We have been criticized already for giving the President with one hand something and taking it away with the other. I agree with that criticism.

Mr. President, I was quite stirred by the argument made by the Senator from Maryland [Mr. TYDINGS] yesterday in which he said we should give the President a free hand in trying to reorganize the Government. I want to give the President a free hand to do it, but I do not want to give him a free hand without Congress exercising its constitutional rights and powers in passing on any plans which may be submitted by the President. I cannot see why anyone should object to that constitutional protection being afforded. Whether we have a Democratic President or a Republican President, I would object to any procedure which provided that any plan submitted would become law if Congress did not act upon it. I believe the President has the right to transmit a plan, and under this proposal he is requested to submit a plan to Congress, and then Congress has the constitutional duty to debate the plan and adopt it if, in the judgment of Congress, it is the kind of plan that should become effective.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. VANDENBERG. I desire to ascertain the Senator's viewpoint on this question: Under existing circumstances could not the President, without limitation, make any recommendation regarding reorganization he might please without any new law whatever?

Mr. SMITH. I agree with the Senator from Michigan that he could do so.

Mr. VANDENBERG. Then, what do we achieve by the proposal which the Senator submits?

Mr. SMITH. We are taking the initiative in presenting a bill which calls on the President to prepare and submit a reorganization plan. He does not have to do so under the present situation. He is not called upon by anything that is on the books to submit such a proposal. Under this amendment we say distinctly that the President shall investigate the organization of all agencies of the Government and shall determine what agencies therein are necessary to do certain things, and then shall submit any plan he may care to, so, in the future, we shall have presented an affirmative plan on which we can act. I think that justifies the amendment.

Mr. VANDENBERG. The point I was registering was, inasmuch as the President can at the present time submit any reorganization recommendation he pleases, and he has not done so, and the fact that he could bring about economy to the extent of hundreds of millions of dollars without any legislation, and he has not done so, I wonder where the expectation finds any realistic basis that the passage of the legislation will produce any better result than the existing situation has produced.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. TYDINGS. I glanced over the referendum provision of the Senator's amendment rather hastily. Is my understanding correct that after the President submits a plan and Congress fails to act within a certain length of time the plan goes into effect?

Mr. SMITH. It does not.

Mr. TYDINGS. What I do not like about the referendum provision is that Congress might in fact be in favor of the plan; but if action on it one way or the other were postponed, we would get nowhere. I suggest to the Senator, with whom I have collaborated in this amendment, that it would help to achieve the desired result if Congress were limited to action within a certain time. Then if the Congress should fail to act, the plan would go into effect. Congress ought to have the right to act; but if it favors a certain plan, it should not be in the position of having no limitation on the time in which it must act. I believe that we may lose a considerable amount of support unless some qualifying language of that kind is contained in the amendment. I respectfully suggest to the Senator that he consider some such proposal as this: That after the President has submitted his plan Congress should have a limited amount of time within which to pass a resolution either adopting it or rejecting it, and that upon the failure of Congress to act within a specified length of time the President's plan takes effect because Congress fails to act one way or the other.

Mr. SMITH. In that case, such a plan could be legislatively operative without action by Congress at all.

Mr. TYDINGS. Congress would have the right to act, but in such a case would actually waive its right. I think the Senator will understand what I have in mind with this brief explanation: My experience in connection with matters of this kind has been that unless Congress is compelled to act one way or the other

within a certain period of time, other things come before us, and perhaps a good plan would have no consideration at all. My concern is that if a good plan is submitted it should not be defeated because we fail to act one way or the other. What the Senator is contending for is the right of Congress to pass upon it. Under the proposal which I make, Congress would have that right; but if it did not exercise the right, the plan ought not to be killed for that reason.

Mr. SMITH. I may say, in answer to the distinguished Senator's comment, that we have tried to provide in title II, under "Procedure," for prompt action by Congress on any plan submitted by the President. But there is nothing in my proposal which would permit any plan to go into effect without legislative action. It is my contention that reorganization is a legislative act, and I doubt very much the constitutionality of any other plan. I should not wish to vote for a bill with respect to the constitutionality of which I was in doubt.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. VANDENBERG. Is not the suggestion now being submitted by the Senator from Maryland precisely the proposal reported by the committee itself?

Mr. TYDINGS. No.

Mr. MURDOCK. Mr. President, does the Senator direct his question to me? It is very difficult for me to follow the distinguished Senator from Maryland, after listening to him yesterday and seeing his name on this amendment today, and now hearing him plead for some method of forcing Congress to take action. I have not the versatility of intellect, or whatever it takes, to keep up with that kind of mental acrobatics.

Mr. TYDINGS. I realize the Senator's limitations. It is not necessary for him to state them.

Mr. MURDOCK. I am certainly limited when it comes to keeping up with the Senator from Maryland on this question.

In answer to the question of the Senator from Michigan, the bill as it came from the Committee on the Judiciary made it possible for either House of Congress, by acting separately, to veto a reorganization plan. It seems to me that what the Senator from Maryland wants is exactly what the Byrd amendment does. That is, the Congress must act within 60 days by disapproving the reorganization plan by a concurrent resolution, or the plan becomes effective.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. TYDINGS. The Senator from Utah has correctly stated what the Senator from Maryland desires. He stated yesterday what he desired, and stated his desire to his coauthor today. However, the Senator from Maryland is concerned for the moment in trying to wipe out all exemptions which would restrict the ability of the President to reorganize the Government. He is anxious only that once that is done, and the plan is submitted to Congress, it shall not be defeated by the failure of Congress to act. I have respectfully suggested to the

Senator from New Jersey that some provision be added similar to the limitation of time in the Byrd plan, which would compel the Congress to act one way or the other.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. MURDOCK. What the Senator and his distinguished colleagues do by this amendment is with one hand to strike out the 15 exemptions, and with the other to strike out the entire executive department and bring the Senate and the House back to the position in which we would be without any reorganization bill. Of course, if we desired to do so, by joint resolution we could reorganize the entire executive department. But the able Senator from Maryland so ably, eloquently, and persuasively pointed out yesterday the defects and deficiencies of our present position that I do not wonder that there was an overwhelming sentiment, at least on this side of the aisle, in support of the eloquent address made by the Senator from Maryland.

Mr. TYDINGS. If the Senator from New Jersey will yield, let me say to the Senator that I have expressed to the co-author of this amendment the very fervent hope that the referendum provision will not be included in the amendment, and that the limitations on the President's reorganization power would be stricken out. I did so before the amendment was brought to the floor, and I am still in the same frame of mind.

What I am seeking to do now is to have the power of the President untrammelled so far as the plan of reorganization is concerned, coupled with some provision which would compel the Congress to take action by a definite date. As I understand the referendum provision as drawn, there is no such limitation. My interrogatory to the Senator from New Jersey was for the purpose of pointing out that omission, and asking him, when he had time to reflect upon it, if he could not insert such a provision, so that a reorganization plan would not be defeated by reason of the fact that nothing was done about it.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. MURDOCK. My answer to the distinguished Senator from Maryland is to implore him to come back on this side of the aisle and stand on the address which he delivered yesterday.

Mr. SMITH. We welcome the Senator from Maryland on this side of the aisle.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. KNOWLAND. Not having a copy of the Senator's amendment before me, it is somewhat difficult to follow it. However, in connection with the suggestion of the Senator from Maryland, as I listened to the reading of the amendment by the clerk, it seemed to me that it provided for a definite procedure, with a time limit within which a committee could consider the legislation and report to the two Houses of Congress so that a vote could be taken upon it. From

listening to the reading of the amendment, I do not understand that there is any way by which a reorganization plan could be pigeonholed in a committee, preventing Congress from acting. Yesterday an example was pointed out of a committee pigeonholing a bill. I do not understand that a reorganization plan could be pigeonholed by a committee, or that action by the Congress could be prevented by filibustering tactics.

Mr. SMITH. The Senator is absolutely correct. Great care was taken in drafting title II in order to expedite action of the kind which the Senator mentions. If it is not adequately drawn, we will draft it so that that result can be accomplished. I am the last one in the world to wish to see an important measure of this kind subjected to filibuster or delay. I am convinced that that feature can be taken care of without our giving up legislative authority under the Constitution. I believe that that is the way in which we should approach it.

Mr. MORSE. Mr. President, I sincerely hope that the Senator will be able to work out an arrangement with the Senator in charge of the bill for a postponement of the final vote on this question until Monday because I think it is of great importance that the substitute be printed and placed in the hands of Senators so that we may have ample time to reflect upon its provisions, and so that Senators on the other side of the aisle may have more time—which I think they sorely need—to reflect upon the action which they took yesterday afternoon.

I wish to say for the RECORD that I am shocked and aghast at the repudiation of democratic procedure of which the Senate was guilty in its vote yesterday afternoon. I never hoped to live so long as to see the greatest parliamentary body in the world take the action which it took yesterday in repudiating what I consider to be one of the basic tenets of representative government. I never thought that the Democratic Party would be guilty of writing the record which it wrote yesterday afternoon in the United States Senate. The principle is still a little too abstract to be fully grasped by the American people because of the shortness of time since the vote. But I cannot believe that once the American people understand the principle which was approved by the Democratic Party in the Senate yesterday afternoon, they will not make their negative reactions to that action perfectly clear.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. MURDOCK. The Senator realizes, does he not, that in 1932 his party passed a reorganization bill containing provisions requiring a reorganization plan to be submitted to Congress for approval? At that time Attorney General Mitchell, in reporting upon the bill, told the Congress that in his opinion it contained unconstitutional features. Early in 1933 the Senator's party struck out entirely the provision requiring reference to Congress, and gave the President, within the standards of the 1932 Act, carte blanche to go ahead and reorganize the executive department. Then in 1939 the Senate passed a bill

containing the very same provisions as those which were submitted and voted on yesterday in the Byrd amendment. I have not heard the American people cry out and deplore the fact that democracy was ruined and defeated by that action.

It is my opinion that today the American people are crying out and asking Congress to unshackle the President and let him go ahead and reorganize and eliminate the duplications which are found in the executive branch of the Government today. But every time the subject is brought up on the floor of the Senate, reference is made to the Constitution, and Senators complain of the fact that to allow the President to go ahead and reorganize the executive branch of the Government is to strike down democracy. Yet in the next breath they turn around and complain, criticize, and condemn the executive branch of the Government for the very things which the Congress is unwilling to allow the President to unscramble and get rid of.

Mr. MORSE. Mr. President, if the Senator from New Jersey will yield further to me, I shall be very brief in what I have to say.

First, I wish to say to my good friend the Senator from Utah that I hold no brief for any unconstitutional acts of the Republican Party, nor do I propose to defend any unconstitutional acts of the Democratic Party. I shall never knowingly vote for any unconstitutional proposals of any party. I wish to say further to the Senator from Utah that he can count on my hearty cooperation in support of any plan which the President of the United States sends to the Congress for reorganization of the executive branch of the Government which can stand the test of congressional debate. However, he will find me always fighting against centralizing in the Chief Executive of this country the power to exercise the legislative functions of Congress which this bill seeks to give the President. I shall always fight to preserve effective checks by the Congress of the United States upon the acts of the President, no matter who he may be. I want no personal government in America. I wish to say that it is the obligation of the Congress to give support to the President in a reorganization of the executive branch of the Government by affirmative action, and I say I do not think the Congress can face the American people and justify any failure to act in the interests of reorganization. But I wish to make perfectly clear for the RECORD that I think it is the obligation of the President of the United States, when the bill which Senators on the other side of the aisle voted for yesterday afternoon reaches his desk for signature, to make very plain to the people of these United States that he does not favor the type of personal government which those on the other side of the aisle voted yesterday afternoon to place in his hands. If Harry S. Truman does not meet that test by vetoing the bill, then I am perfectly confident that he is going to hear from the American people once the people understand the principle which those on the other side of the aisle enunciated yester-

day afternoon by the votes they cast on this issue. If he fails to veto the bill he will learn that the American people still want our system of checks and balances to prevail, they still want a representative government in America. Fear of personal power is basic in the political thinking of the free men and women of America. Personal power unchecked inevitably becomes arbitrary, tyrannical, and politically corrupt.

Mr. President, there have been other countries in the history of the world that started out as democracies but went down the path which Senators on the other side of the aisle sought to lead us down by their votes yesterday afternoon. In the case of such countries whenever the legislative branch of government abdicated its powers to the executive, government by men became substituted for government by law until finally they were taken over by strong executives. The danger of such a development can exist in the United States of America. We must ever be alert to prevent the development of personal government in this country. I think the danger of such a political trend in America which those on the other side of the aisle demonstrated by their votes yesterday afternoon is the most serious blow that has been struck against representative government in this country for a long, long time.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. SMITH. Before yielding I should like to say a word. I thank the Senator from Oregon for his very fine presentation of the principle he is defending, and I desire to state that, of course, it is my firm adherence to the views he has expressed which prompted me to submit the pending amendment. I agree with him that the action taken yesterday afternoon will come back to plague us if it is allowed to stand. I desire to state that if the bill, including that amendment adopted yesterday afternoon, finally comes before the Senate for a vote, I shall be compelled to vote against it, even though I am a member of the Judiciary Committee which reported the bill and am anxious to have a reorganization plan go into effect. I greatly desire to see the executive branch of our Government properly reorganized, but I insist that it is the duty of the Congress of the United States to legislate on that matter, not to have the reorganization made without the taking of any action by the Congress. Mr. President, that is my position in submitting my amendment.

Mr. MURDOCK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Downey	Hill
Austin	Eastland	Hoey
Bail	Ellender	Huffman
Barkley	Ferguson	Johnson, Colo.
Billbo	Fulbright	Kilgore
Brewster	George	Knowland
Bridges	Green	La Follette
Bushfield	Guffey	Lucas
Capper	Gurney	McClellan
Carville	Hart	McKellar
Chavez	Hatch	McMahon
Connally	Hawkes	Mead
Cordon	Hayden	Millikin
Donnell	Hickenlooper	Mitchell

Moore	Russell	Tydings
Morse	Saltonstall	Vandenberg
Murdoch	Shipstead	Wagner
Myers	Smith	Walsh
O'Daniel	Stewart	Wheeler
O'Mahoney	Taft	Wiley
Radcliffe	Thomas, Okla.	Wilson
Reed	Tunnell	Young

The PRESIDING OFFICER. Sixty-six Senators have answered to their names. A quorum is present.

Mr. GEORGE. Mr. President, I have been present during the debate on the pending bill but may not be able to be present in the Chamber this afternoon when the final vote is taken. I wish to make a very brief statement, not in the nature of an argument so much as in the nature of a statement of fact.

I believe that I introduced the first reorganization bill to be introduced in modern times. Anciently, some other Member of the Congress may have introduced such a bill. But it was either under the Coolidge or the Hoover administration that I introduced a reorganization bill which went even further in its provisions than does the pending bill. In other words, it gave to the President the power to reorganize the executive branch of the Government. He functions through the executive branch of the Government. Subsequent to the introduction of the bill to which I have referred a debate took place with reference to the delegation of legislative power, similar to the debate which Senators have heard in connection with the pending bill. In 1939, as I recall the year, I voted for certain limitations to be placed upon the power of the President to effect a reorganization of the Government.

Mr. President, I may say very frankly that I disagreed with the late President Roosevelt with reference to many questions, particularly questions of a domestic nature. I did not like his theory of reorganizing the judicial branch of the Government, and I, therefore, voted to place some restrictions upon the power of the President in that respect.

I believe there is no question about one thing, namely, that legislative power is nondelegable power. It may not be delegated to anyone. It must remain in the legislative branch of the Government where the Constitution placed it, unless we wish to amend the Constitution. But at various times during the history of the Government we have delegated to the executive or to some commission, the power to administer an intelligible rule which the legislature itself had laid down. It was done in connection with the Interstate Commerce Act. The power to make rates and prescribe fares lies unquestionably in the Congress of the United States. But could the Congress exercise it intelligently? I do not believe so. Consequently we have an Interstate Commerce Commission with authority to make rates. That is substantially what it amounts to. After all, we granted such power under the Reciprocal Trade Agreements Act, in which we gave to the President the authority actually to lower or increase tariffs. Certainly, so far as the British and American systems of government are concerned, if there is any power within the legislative branch which has been asserted with greater vehemence than any other, it is the

power of the Congress to levy and collect taxes. But if there is to be any making of, or changes in the tariff, we have believed it to be necessary, at least, that we should lay down an intelligible rule, a reasonable formula by which the legislative branch may turn the job of administration over to a commission or to the President in the event we select the President as the administrative officer.

There is no need to be confused about the question. The legislative power is nondelegable. Under the Constitution the power to make laws was given to the Congress. But it is equally clear—in fact, it has been demonstrated by every Congress that has sat from almost the beginning of our Government, that an intelligible rule can be laid down, that a formula can be prescribed, and that power may be given to someone else to apply it.

Mr. President, let us look at this question in a practical way. The President is the head of the executive branch of the Government. He is responsible for the administration of the laws. He is the Executive. There have been built up around him the executive branches of government, represented by Cabinet heads, and innumerable agencies lodged in the executive branch of the Government.

We even have a court in the executive branch of the Government. The Tax Court of the United States is lodged in the executive branch, located in the Treasury Department. The head of the Treasury Department is a Cabinet officer. We put The Tax Court in the Treasury Department because we did not know where else to establish it. It has to do with nothing else but the administration of tax law. It is a court, nevertheless. It is performing some sort of quasi-judicial function, but it is in the Treasury Department. Some of the judges of that court have been calling on me to offer to the pending bill an amendment to prohibit the President from taking action affecting them. I have not offered such an amendment. I know he cannot do anything with The Tax Court. There is no other place to put that court. He cannot attach it to any other department, unless it be the Department of Justice, and that would not do any good. So the President is not going to bother with The Tax Court, of course, but is going to leave it right where it is, and it will continue to perform functions.

Mr. TAFT. Mr. President—

The PRESIDING OFFICER (Mr. Downey in the chair). Does the Senator from Georgia yield to the Senator from Ohio?

Mr. GEORGE. I yield.

Mr. TAFT. There is one thing he might do, that is, upset what Congress did last year. He might take away from The Tax Court the power to pass on re-negotiation appeals, and give it to the Court of Claims, where we decided we did not want it to be. That could be done.

Mr. GEORGE. It might be, and it would not hurt very much if he did that, because The Tax Court has not passed on very many questions. We really wanted to put it in the Court of Claims anyway,

but we did not, as a matter of conference action.

The point is that as to questions with respect to tariffs, with respect to railway transportation rates and passenger fares, everything that is under the jurisdiction of the Interstate Commerce Commission, and with respect to many other intricate and complicated matters, we have tried to lay down an intelligible rule, and we have left somebody else to administer the act.

Mr. President, that is what is proposed now. Let me repeat that I offered the first bill in modern times to reorganize the Government. It did not get anywhere. It was several years before any affirmative action along that line was taken. But Congress would not reorganize the executive branch of the Government to any great extent. Congress is not going to do it. It is not a question of lack of power to do it, but Congress is not going to do it, and I say to my distinguished friend from New Jersey that anyone who tries to have it done will find immediately that he cannot succeed.

Mr. SMITH. Mr. President, will the Senator from Georgia yield?

Mr. GEORGE. I yield.

Mr. SMITH. I have tried in my amendment to give full authority to the President to draw any kind of a reorganization bill he desires to submit to the Congress. In my amendment I am merely asking that Congress shall have the legislative right, under its constitutional function, to pass on it.

Mr. GEORGE. I understand that.

Mr. SMITH. I agree fully that the Congress itself cannot write the bill, and that the President must write it. I agree fully with that.

Mr. GEORGE. I go a little further. Congress will not pass any bill reorganizing the executive branch of the Government which someone else writes for it.

Mr. SMITH. That is simply suggesting that Congress will not live up to its responsibility, and I do not wish to take that position. I believe the Congress of the United States will live up to its responsibility if the right kind of a bill is presented, and I believe it should do it, and not say the President can do this without any check by the Congress.

Mr. GEORGE. I entertained the same ideas my friend expresses when I came to Congress, but that was twenty-odd years ago, and my experience has taught me that Congress is not going to reorganize the executive branch of the Government. I lay that down as a postulate: Congress is not going to do it. We may think we will do it, and we may do some things about it, but all Congress is going to do is keep on adding something to the executive branch or some other branch of the Government. That has been the legislative history of our country, and it probably will continue to be.

Theoretically, the distinguished Senator is entirely correct, and actually I should like to see the matter handled in the way he suggests, but I have become strongly converted to the idea that if there is to be any reorganization, it must be brought about by the executive branch, and, whether this bill does it

entirely or not, I do not see why we cannot lay down an intelligible rule.

The Tariff Commission was required to find the cost of production at home and abroad of same or similar articles. It was impossible to find the cost of producing many articles abroad. I believed, therefore, that the old flexible provision of the tariff would probably be upset by the Supreme Court. But the Supreme Court did not upset it. They upheld it. They said it did lay down a rule, which, however difficult it was, yet was intelligible.

It is certainly an intelligible rule to say to the President, "If you find that there are overlapping agencies in your own department, if you find there is duplication of work by agencies in your own department, then you shall do so and so." The Congress is outlawing the duplicating agencies, the Congress is outlawing overlapping of authority, but is saying to the President, "If you find it is a fact, submit your reorganization plan."

So far as I was concerned, I was willing to allow a Republican President to send a reorganization plan to this body and have it become law unless Congress rejected it within a reasonable time, and I am willing to do the same under the present President, and for the added reason that during this war many extraordinary Government organizations and agencies have come into being, which are performing the functions of government. The vast army of Federal employees has grown to more than three and a half million in continental United States and abroad, about 3,000,000 in the United States alone.

Mr. SMITH. Is not the fact that Government bureaus are expanding at such a rapid rate and bureaucracy is growing enormously and employing millions of people the very reason why today the people of this country are asking us to put a stop to executive control over things, and asking the Congress to assume its rightful responsibility? That is why I want to see some check established. The Senator is arguing, perfectly properly, that he wants to see that condition brought to an end, and so he wants to give the power to the President to bring about reorganization. I say that if in the past Congress had exercised its power, it would not have allowed this expansion to proceed. That is where Congress has failed heretofore, and I do not want to see it fail again.

Mr. GEORGE. I can agree with the distinguished Senator in principle, but many things have had to be done under the pressure of war, and they will happen again and again under similar pressure. However, I am merely looking at the proposal as a practical matter. If the Congress declares that duplicating agencies and overlapping agencies shall not exist in the Government, if it shall outlaw them and turn over to an agent the authority to find the facts and to proceed with the reorganization, but without destroying or crippling functions for which Congress itself has provided, I know that can be done constitutionally. I am satisfied of that; otherwise, in my judgment, we have an unworkable Government.

Whether it can be done in the case of reorganization is, of course, another question. I would rather see reorganization accomplished by legislation directly, but I frankly do not believe Congress will do it, because the very moment we hit any one of these executive children, or grandchildren, or even remote relations, and say, "We propose to do something with you," we have the whole brood on us; they descend on the Congress with such force and such vigor that anyone who proposes to reorganize the Government in a really effective way is going to be driven out. He might not be driven out of public life—I would not say that his people back home might not admire him and appreciate him—but he would be driven virtually out of his mind, and he might as well cease making any effort to do anything else in a legislative way.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. HICKENLOOPER. Would that be minimized under the bill as it presently stands? In other words, with the negative action of the Houses as a means of stopping a proposed reorganization plan, would not the pressure be on each Member of Congress just the same under the bill as it now stands as under the amendment proposed by the Senator from New Jersey? I cannot see that the pressure of the departments for action, either pro or con, would be lessened so long as the matter was in the hands of the Congress in any particular.

Mr. GEORGE. I think the situation would be different if it took an affirmative act to override the President. But what I am trying to say—and with this I shall close, because I have no desire to submit an argument but only to make my own position clear—is that our Government will not be reorganized, the cost of government will not be reduced, bureaucracy will not be destroyed unless a courageous executive takes the lead. Congress can follow and can give him support, but in no other way will we accomplish the result. That is my settled conviction, which is based upon experience. It grows out of a long service in Congress, and for the reason I have stated I am perfectly willing to give to any President, in whom I have any faith, the authority to bring about a reorganization of the agencies in his own branch of the Government.

We are fortunate in having in our present President a man who served in the Congress, and who has had experience with the Government as it is organized, both as a Member of the Congress and as the Chief Executive. I have the hope, at least, that if given this power and authority the President will try to bring about a worth-while reorganization of government.

I admit that there is virtue in the suggestion made by the distinguished Senator from New Jersey. If we were not doing anything more than giving to the President the power he already has under the Constitution, which requires him to submit his recommendations on the state of the Union, but requiring him specifically to do this thing and transmit his own recommendations, whatever

they may be, I think that might have some effect on congressional thinking and might lead to positive action which might be helpful. So far as I am concerned, I am willing to give to President Truman the power to submit a reorganization program, and if Congress does not care to upset it within 60 days, or some such period as that, to let it become effective.

Mr. SMITH. Mr. President, will the Senator yield to me for just a word?

Mr. GEORGE. I yield.

Mr. SMITH. I have tried in the amendment I have just submitted to give the President a much wider scope in his proposal for reorganization than he could possibly have in the bill which came out of the committee.

Mr. GEORGE. I appreciate that.

Mr. SMITH. I feel that it is a very important feature of the amendment. It removes exemptions and gives a free hand to the President to tell us what he thinks should be done. But then I seek to protect the people of the country, as they should be protected, by retaining in the Congress the constitutional processes. We should revere and support our system of checks and balances.

Mr. GEORGE. I have the strong conviction, of course, that Congress should retain its powers, but I have no fear that in the mere matter of reorganizing the executive branch of the Government any step would be taken by the President which would be harmful to the country, and if any such step were taken certainly the Congress should reassert its power and say, "We gave you the authority to act. We do not like the way you have acted. We repeal or veto what you have done. We undo what you have done."

Mr. President, it is very easy to create agencies and bureaus. It is exceedingly difficult to kill off a group of bureaucrats when once they get into office.

Mr. SMITH. Mr. President, will the Senator again yield?

Mr. GEORGE. I yield.

Mr. SMITH. Obviously the distinguished Senator is arguing the same point that I am. We simply have different views as to how to go about it. I agree that it is very hard to head off bureaucracies and agencies located all over the country, and to do away with conditions which disturb us. No one wants to see reorganization accomplished more than I and my colleagues do.

I desire to take this occasion to thank the Senator from Georgia for his splendid exposition of his position, and to say that I respect his judgment highly in connection with everything he discusses on the Senate floor. I regret that I cannot agree with his conclusion respecting the constitutional issue.

Mr. GEORGE. I thank the Senator from New Jersey.

Mr. DONNELL obtained the floor.

Mr. BALL. Mr. President, will the Senator from Missouri yield to me so that I may ask the Senator from Utah [Mr. MURDOCK] a question?

Mr. DONNELL. I yield to the Senator from Minnesota.

Mr. BALL. As I understand, Congress passed a reorganization act in 1939, did it not?

Mr. MURDOCK. Yes.

Mr. BALL. Were the provisions in that act respecting the method by which reorganization plans which were submitted should become effective the same as they are in the pending bill?

Mr. MURDOCK. The language is almost identical to that in the pending bill as amended by the Byrd amendment.

Mr. BALL. Does the Senator know how many reorganization plans were submitted under that act?

Mr. MURDOCK. I cannot give the Senator the number that were submitted. I have a statement referring to the plans and the amount of money which would be saved under them which I intend to insert in the RECORD. Just offhand I cannot say.

Mr. BALL. Can the Senator tell me whether any reorganization plan submitted under that act was rejected by Congress or by either House of Congress?

Mr. MURDOCK. I do not believe any plan was rejected. If I am wrong, I should like to be corrected.

Mr. TAFT. One plan was rejected in the House, I think or perhaps in the Senate. That was the plan which transferred the Civil Aeronautics Board to the Department of Commerce.

Mr. MURDOCK. It was vetoed by the Senate. But the reorganization plan went through because the bill required a concurrent resolution to be adopted rather than simply a veto by one House alone.

Mr. TAFT. The Senate provided for an independent Civil Aeronautics Board and stipulated that it should remain independent, but the plan submitted put it under the Department of Commerce. That plan was approved in the House of Representatives, and therefore, in spite of the veto power of the Senate, the plan went into effect. Under the act of 1939 the reorganization plan dealt primarily with the consolidation brought about in the Federal Security Agency, the Federal Works Agency and the Federal Loan Agency. That was the principal reorganization done under the act of 1939. All features of the plan were accepted by both Houses without difficulty. Only one was vetoed by the Senate.

Mr. MURDOCK. I merely wish to observe that my answer to the Senator from Minnesota was correct; that no plans which have been submitted have been rejected.

Mr. BALL. And only the one reorganization plan which provided for the transfer of the Civil Aeronautics Board to the Department of Commerce was rejected by one House, the Senate, but because the House of Representatives did not adopt the resolution rejecting it the organization became effective?

Mr. MURDOCK. That is true.

Mr. DONNELL. Mr. President, I hesitate to impose further upon the time of the Senate with respect to the matter of reorganization, but again the issue is presented here today so clearly and is of such a fundamental and vital nature, that I think the Senate can well afford to pause in the interests not of itself alone but of the people of the Nation, to consider further the problem which is involved.

Mr. MURDOCK. Mr. President, will the Senator yield to me for a moment?

Mr. DONNELL. I yield.

Mr. MURDOCK. If I may have the attention of the Senator from Minnesota [Mr. BALL]. In order to keep the record straight, I will say that I think we have the voting just turned around. The House disapproved of the plan by quite an overwhelming majority. When it came to the Senate I am advised the Senate approved it, which put it into effect.

I thank the Senator from Missouri.

Mr. DONNELL. Mr. President, I desire to congratulate the distinguished junior Senator from New Jersey [Mr. SMITH] upon what I regard as a service to the Nation which he has rendered today by the presentation of this substitute amendment. I congratulate also the distinguished Senator from Maryland [Mr. TYDINGS] for his courage in joining as one of the coauthors of the substitute. I am unable to agree with a portion of the philosophy of the Senator from Maryland to which he has adverted today.

Senators will doubtless recall that he mentioned something to the effect that Congress would have waived its rights. I do not understand, Mr. President, that the Congress can waive its rights in favor of any bureau or individual official, even though that official be the President of the United States. It is a fundamental principle of civil law, as well as constitutional law, that a delegated authority cannot be redelegated. When the constituents of the Members of the Senate have cast their ballots selecting them as their representatives in the Senate of the United States such Members have no legal, constitutional, or moral right to waive the authority and power which their constituents vested in them, and, perhaps even more important, they have no power to waive the obligations which their constituents imposed upon them.

Our constituents are entitled to expect that we shall devote our thought—yes, Mr. President, our intelligent thought, our affirmative thought, if you please—to matters of legislation before us, and our constituents are entitled to expect that we shall not pass, or undertake to pass, such legislation as that embodied in the amendment which was adopted here yesterday, under which, as I have indicated a number of times and as has been expressed by others, notably by the Senator from New Jersey today, it would be possible for the Members of the Senate of the United States physically to sleep, or to pack up their bags, lock their offices, and go home, and still the plan prescribed and set forth by the President of the United States would become operative. It would be legislation because it would repeal existing laws and because of the nature of the subject matter. I repeat, Mr. President, that under this amendment we could slumber, or close our offices and go home, and still the plan submitted by the President would become law, although it might undertake, and successfully if it be constitutional, to overturn the legislation of a century or more.

Mr. President, I cannot subscribe to the view that Congress has it within its power to waive its constitutional powers or its constitutional obligations.

I listened with great interest a few moments ago to the remarks of the Sena-

tor from Georgia [Mr. GEORGE]. I indicated but a day or two ago my profound respect for him, my admiration for his ability and his integrity and his skill and knowledge. In the course of my study of the history of reorganization I noted that only 6 years ago, when the question of reorganization was before the Senate, and when the bill to which the inquiry of the Senator from Minnesota was addressed a few moments ago was passed, the proceedings of Congress, especially those of the Senate, show that the question of the constitutional power of Congress to delegate to the President its legislative powers was considered. I noted with great interest and appreciation the expression on March 20, 1939, by the distinguished senior Senator from Georgia, who addressed us a few moments ago. He then said:

There is no support for the contention that Congress may delegate legislative power. It may not do so. The single test of the validity of the act of the Congress, when that question is involved, is whether Congress has undertaken to delegate legislative power or merely the power to apply a legislative formula that may, at least theoretically, be exactly applied.

Today the Senator from Georgia has undertaken largely to repeat the substance of the thought to which I have referred. It is of tremendous importance and interest historically to observe the conclusion to which the reasoning which the distinguished Senator from Georgia enunciated on March 20, 1939, and to which he referred today, led him at that time. By reference to pages 3050 and 3093 of the CONGRESSIONAL RECORD of that year, it will be found that the vote of the distinguished Senator from Georgia upon the Wheeler amendment, which directly raised this issue, and which made it obligatory that before the plan of reorganization could become effective it should first be approved by affirmative joint resolution of both Houses of Congress, was in favor of that proposition.

A little while ago the Senator from Georgia referred to the fact that in 1939 he voted to impose certain restrictions on the President. At least, that was what I understood him to say. I undertook to take down his words as nearly as I could in the absence of ability to write shorthand.

As I see it, the vote of the distinguished Senator from Georgia was not particularly a vote to impose restrictions on the President. It was a vote in favor of the proposition that legislation shall not be enacted in our country unless it shall receive the affirmative vote of both Houses of Congress by joint resolution. His vote was not in favor of the proposition for which the majority voted yesterday in the Senate, namely, that Congress may, without any action whatsoever on its part, permit a plan submitted by the President to become a law of the United States, repealing statutes which are upon the statute books of the Nation.

The distinguished Senator from Georgia referred to the Interstate Commerce Commission. To be sure, it has been clearly held by the courts, not only in the case of the Interstate Commerce Commission, but in the case of the Radio Commission and the Tariff Commission,

that Congress does have power to prescribe standards, within certain limits, and that such standards, when so prescribed, may be the basis for the administration of the law by administrative bureaus and commissions such as those to which I have referred. I realize, of course, that it would be idle and foolish to say that every rate upon every type of commodity—chickens, binder twine, and every other commodity—could be fixed by the Congress. Yet the Congress can lay down standards under which rates must provide a reasonable return to the carriers, standards which the Interstate Commerce Commission must follow. Of course, the courts have held, as they should have held under the law and the Constitution of the United States, that such action on the part of Congress is not a delegation of legislative power.

Mr. President, the Senator from Georgia recognizes the soundness of the legal proposition to which I refer. He said, in substance, that it was possible to enact legislation enabling the President to reorganize departments, provided that some reasonable formula were prescribed for such reorganization by the President. I invite the attention of Members of this great body to the fact that the Senator from Georgia failed to illustrate, or even to indicate his affirmative belief that such standards are contained within the bill which is now before the Senate. I do not recall his exact language, but he said something to the effect that such standards might or might not be in the bill. If I misquote him, I hope I shall be corrected, because I would not intentionally misquote the Senator. However, I am certain that he did not say, even remotely, that he could put his finger upon the standards in this bill which are of such nature and preciseness as to enable Congress to follow them, and which would cause Congress to be held within channels already charted for it. A search of the bill from end to end will fail, in my judgment, to show the existence of any such standards.

The Senator from Georgia referred to the overlapping of bureaus; but let me invite the attention of the Senate again to the fact that the bill does not require the President to find, as a condition precedent to the preparation and formulation of a reorganization plan, that such plan is either necessary or desirable to eliminate or reduce overlapping of bureaus.

I have previously called the attention of the Senate—and I do so again—to the fact that the bill sets forth seven distinct things which the President is called upon to consider in determining what changes are necessary. Later the bill provides that if the President finds one or more of those reasons to exist he shall then prepare a reorganization plan. One of the conditions is overlapping; but he is not required to find that overlapping exists. He is not required to make any finding with respect to overlapping. He can place his finger on the very first of the purposes mentioned in the list of seven, to which I have referred. What is it? It is the facilitation of "orderly transition from war to peace." Is there a Member of the Senate, or a person anywhere who would say the statement that

orderly transition from war to peace will be a result attained by the reorganization that sets up a standard which the President should follow, a standard so precise, definite, and certain that the President would find himself charted within channels easily discernible?

Mr. President, the remarks of the Supreme Court of the United States, in the Schechter case are appropriate on this question. With respect to the NIRA, the court said:

For that legislative undertaking, section 3 sets up no standards—

It was contended in that case that standards were set up. It was the argument in the NIRA case that Congress had set up standards, but the Supreme Court did not so find. It said:

For that legislative undertaking, section 3 sets up no standards, aside from the statement of the general aims of rehabilitation, correction, and expansion described in section 1.

That language is equally applicable to the case of a President who is undertaking to put into effect a reorganization which will facilitate "orderly transition from war to peace."

In view of the scope of that broad declaration, and of the nature of the few restrictions that are imposed, the discretion of the President in approving or prescribing codes, and thus enacting laws for the government of trade and industry throughout the country, is virtually unfettered.

What Senator would undertake to rise here—the Senator from Georgia did not—and say that the President of the United States would be fettered in any sense or in any degree in his reorganization plan by the provision that that plan might be such as to conduce to orderly transition from war to peace?

I conclude the reference to the Schechter case by reading the conclusion at which the Supreme Court arrived with respect to the NIRA so-called standards. Said the Court:

We think that the code-making authority thus conferred is an unconstitutional delegation of legislative power.

Mr. President, the distinguished Senator from Georgia made the statement, in substance, that the bill requires the President to make certain findings. As I understand the theory of the Senator, it is that when the President makes such findings, he then brings himself within the various standards to which reference has been made. I invite attention again to the language in the Schechter case. Chief Justice Hughes said:

While this is called a finding, it is really but a statement of an opinion as to the general effect upon the promotion of trade or industry of a scheme of laws. These are the only findings which Congress has made essential in order to put into operation a legislative code having the aims described in the declaration of policy.

Mr. President, that is likewise true here. Suppose the President should find, in accordance with the first purpose stated, that the reorganization would facilitate orderly transitions from war to peace. Is not that exactly what the Supreme Court of the United States referred to as a statement of an opinion as to the general effect upon the promotion

of trade or industry, or upon the entire condition of the country, of the scheme of laws which might be proposed by the President?

So, Mr. President, when the Senator from Georgia today undertakes to argue in favor of the pending bill, he fails to indicate what standards there are within the bill which make it constitutional and he fails to bring the bill within the operation of any theory of any court which would make it constitutional on the ground that it does not constitute a delegation of legislative power.

As I said, Mr. President, back in 1939 the Senator from Georgia voted not only once but twice on the Wheeler amendment, for the question was closely contested. The matter under discussion related in large part to the question whether the bill then under consideration constituted a delegation of legislative power, and the Senate was called upon to vote twice on the Wheeler amendment, which prescribed that no such reorganization plan could become effective until it had first received the approval of a joint resolution passed by both Houses of Congress. The Senator from Georgia was influenced by some reasoning; and, so far as I can ascertain, certainly his ideas on the question of legislative power did not in any sense tend to lead him to a conclusion any different from the one at which he arrived in voting for the Wheeler amendment.

Mr. President, I shall not undertake to speak very much longer. As I said at the outset, I congratulate the Senator from New Jersey upon the presentation of the amendment. I congratulate him because of its contents. In the first place, it would not restrict the President in any way, but the President could come before the Congress with a recommendation for reorganization in any department or in all departments or in any combination of departments. He would be unrestricted, the benefit of his judgment and his knowledge and his leadership would be retained by the amendment submitted by the junior Senator from New Jersey.

In the second place, the amendment submitted by the Senator from New Jersey would be in very precise and definite furtherance of the general provision of the Constitution which makes it obligatory upon the President to "from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."

The amendment submitted by the Senator from New Jersey goes further than leaving it to a mere generalization. It makes it obligatory upon the President to examine and from time to time reexamine the organization of all agencies of the Government and to determine what changes are necessary to effect the results set forth in the amendment.

So I say that the amendment submitted by the Senator from New Jersey does not restrict the President, but it does place upon his shoulders a mandatory obligation, a requirement that he shall give the Congress the benefit of his judgment. That requirement should be of vast benefit and value to the Members

of the Senate and the House of Representatives.

Then, Mr. President, the amendment submitted by the Senator from New Jersey illustrates very clearly the sincerity with which it is presented, in that it undertakes to expedite the progress of the plan when it comes before Congress. The procedural outline specified in the amendment very clearly points out, says, and provides that if the committee to which has been referred a resolution with respect to a reorganization plan has not reported it before the expiration of 30 calendar days after its introduction or, in the case of a resolution received from the other House, within 30 calendar days after its receipt, it shall then be in order to move either to discharge the committee from further consideration of such resolution or to discharge the committee from further consideration of any other resolution with respect to such reorganization plan which has been referred to the committee.

Mr. President, I reviewed yesterday upon this floor what happened in the case of certain pending important measures which have gone to the Committee on Banking and Currency of this great body and which have for 5 months lain dormant in that committee; although those who favor the measures have called them to the attention of the committee, still no action has been taken upon them. I undertake to say that a measure which provides, as does the amendment submitted by the Senator from New Jersey—and, indeed, as does the committee amendment also—to the extent it does, relief from the power to crush and wipe out the ability of Congress to legislate, deserves the congratulation and applause of the Members of the Senate.

At this time I wish to point out, furthermore, that to my mind, the procedure set forth in the amendment submitted by the Senator from New Jersey possesses one virtue which is outstanding and which is not possessed by the committee amendment. That virtue lies in the fact that it does not impose a limitation upon debate upon the merits of the resolution providing for approval of the proposed plan. There is a limitation with respect to the length of debate as to whether the committee shall be discharged and as to matters of that type; but when the resolution comes before the Senate, the amendment submitted by the Senator from New Jersey will not undertake to throttle the Members of the Senate in regard to the time which they may consume in the presentation and argument of the issues connected with the proposed reorganization. Mr. President, I think that provision of the amendment submitted by the Senator from New Jersey deserves the commendation of the Senate. It deserves it from many standpoints, among others from the standpoint of the history of the Senate in which it has been found advisable not to curtail debate, save only when it shall develop to the extent of a filibuster, in which event we realize we have the power of cloture, which has once been undertaken to be exercised this very year by the Senate. But the Senate has realized over all this long period of

years the importance of allowing full, free, and untrammelled discussion by its Members of issues which come before it, save only subject to the limitation by way of cloture, to which I have referred. I undertake to say that from the standpoint of principle it is vital to the preservation of the Republic to provide for reasonable opportunity for debate in the Senate upon any subject, rather than to have the Members of the Senate foreclosed by an artificial restriction upon them in regard to the time at their disposal during which they may discuss measures.

Mr. President, I admire the stand taken by the distinguished junior Senator from the State of Oregon who, time and time again, has indicated to the Senate his refusal to consent to limitations of debate. I think his stand is wholesome. If debate should ever develop to a point at which a filibuster might ensue, we realize that we have the power to prevent the continuance of such a filibuster within the walls of this Chamber.

So, Mr. President, I say that from the standpoint of principle, the lack of any provision limiting debate on the floor of the Senate is wholesome, proper, and advantageous; indeed, it redounds to the eternal credit of the junior Senator from New Jersey and to the benefit of our Nation that in connection with a matter of this kind he has had the courage to present such an amendment to this body.

But in this particular case not only is the failure to include a provision for limitation of debate wholesome from the standpoint of general principles, but it is wholesome because of the very nature of a reorganization plan. Mr. President, if there were brought before the Senate a reorganization plan involving the question of what powers should be in this department or that department, or in this bureau or that bureau or in this, that, or the other commission—possibly 50 of them; I do not know how many there are; perhaps there are 100 of them; whatever figure the Senator from Virginia [Mr. BYRD] may give doubtless is correct—but in the event that a matter of that kind were presented to the Senate, would it be wholesome for this body to be compelled to proceed under a provision that debate upon it should be limited to 10 hours or 20 hours or 10 days? I undertake to say that the provision of the amendment which, although it would expedite progress, still would prevent the killing or smothering in committee of a resolution for the approval of a reorganization plan and still would permit unlimited debate upon the floor of the Senate is wholesome and proper and essential to the preservation of the theory of the Government under which we live.

Then, Mr. President, the amendment submitted by the Senator from New Jersey does something else. I shall mention it in only a very few words, because I have already covered it in substance. I refer to the fact that the amendment goes to the very fundamentals of the constitutional question here involved; it goes to the whole question whether the Members of the Congress shall be permitted to relax and sit quietly and pleasantly and comfortably in their seats and, even slumber day after day, without act-

ing affirmatively on such matters, and thus allow the President to dictate and prepare, and, in effect, pass legislation presented to Congress.

A few days ago I tried to outline the experience had across the water, in Great Britain, where, even in what the Senator from Florida [Mr. PEPPER] called "the citadel of parliamentary procedure," we find that over the years the House of Commons has become virtually without power, save as the Cabinet of Great Britain grants, grudgingly at times, perhaps, power to the House of Commons.

Our distinguished friend, the Senator from Georgia [Mr. GEORGE] who spoke this afternoon, rose on this floor on the 27th day of July of this year for the purpose of pointing out the fact that the House of Lords had become a decadent body in Great Britain, and that today it does virtually nothing of significance except to pass upon cases of law or equity which may come before it.

Mr. President, the pending amendment preserves the legislative power of Congress. It does not undertake to do that which the Father of his Country—and which every statesman who has expressed himself in general terms, at least, has warned against—namely, delegate legislative power from this branch of the Government to another. Yet, when we come to the particular question which now confronts us, we are urged by distinguished Members, such as the Senator from Georgia, to give up our legislative power because, perchance and forsooth, we may regain the power at some time later. I am opposed to allowing the President of the United States, whether it was Mr. Coolidge, or Mr. Roosevelt, or whether it be Mr. Truman, to exercise the functions of the legislative branch of this Government.

I invite attention to a statement which was made years ago by Montesquieu, the great French philosophical historian. Montesquieu said:

When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.

Mr. President, the distinguished Senator from Utah [Mr. MURDOCK] who from time to time during the past few days has argued with respect to the bill with much distinction, courtesy, and clearness of expression, today referred to the fact that Americans are crying out for the reorganization of the various departments and agencies of our Government. I join with the Americans to whom he referred in likewise crying out for a reorganization of the Government. I assert that in my judgment the people of the United States, at least the true Americans, are not crying out for the abolition and abdication of power by Congress. My judgment is that no loyal citizen of our country desires Congress to surrender its rights to the executive department. I appreciate the fact that there may be differences of opinion with regard to the legality of the question involved. I make no charge of disloyalty against any man who takes a view con-

trary to mine with regard to the constitutional issues which are involved, but I undertake to say that the action proposed by the committee amendment and the Byrd amendment represents a delegation of legislative power to the President, and as such constitutes a surrender of the powers, duties, and responsibilities which have been imposed upon this great body by the Constitution of the United States.

The people of our country have the right to have enacted laws which are made not by one man who sits in the White House but by the Congress of the United States. The people of our country have the right to object if the President is to be given the power to formulate and transmit a reorganization plan to Congress and say, "If you gentlemen do not see anything wrong with it, and tell me so, then it will become law," thereby overturning laws which have been accumulating for a century or more. The people of our country are entitled to have the distinguished senior Senator from Michigan [Mr. VANDENBERG], for example, to use the breadth of his experience, the profundity of his knowledge, and the excellence of his judgment affirmatively with regard to the questions which may come before the Senate rather than that Congress shall receive a copy of a document, which has been written in the White House, together with a communication stating in effect, "Dear Mr. Senator: If you do not see anything wrong with this, from now on it will be the law of the United States of America."

Mr. President, to my mind the junior Senator from Oregon [Mr. MORSE] has put his finger upon something of vital importance by pointing out that if this bill shall be passed by the Congress of the United States containing the provisions of the Byrd amendment, there will then be presented to the President of the United States, the man who exercises the coordinate power in the third branch of our Government, the question of whether he shall sign the measure or veto it. If he undertakes to sign the measure, Mr. President, he will, as I see it, be signing a document under which he evidences his view, and his determination, if you please, that there shall be delegated by Congress to the Executive the legislative power and responsibility which rests upon the shoulders of Congress and which may not be evaded or abdicated.

So, Mr. President, I think the Senator from Oregon has acted very properly in calling attention to the fact that the people of the United States, in the event the bill, if it is passed by Congress, is not vetoed by the President, will have the right to place upon the shoulders of the President of the United States the ultimate responsibility, along with Congress, of such abdication of power on the one hand and the acceptance of a non-delegable power on the other hand by the Executive.

Mr. President, the amendment offered by the junior Senator from New Jersey not only giving, as it does, absolute power to the President to submit to the Congress any plan which he may care to

formulate—a power which, of course, he already has—but making it obligatory upon him to transmit such a plan, and, within all reasonable limits, expediting the progress of the plan through committee, while at the same time imposing no check or throttle upon free and unlimited debate, deserves the congratulations and approbation of the public.

Finally, Mr. President, this amendment, which undertakes to preserve and keep within our hands and upon our consciences our duties and responsibilities, instead of undertaking passively to delegate those duties and responsibilities to another individual, is entitled to the vote of every Senator of the United States, regardless of his political affiliation.

EXTENSION OF CERTAIN OIL AND GAS LEASES

Mr. HATCH. Mr. President, earlier in the day the senior Senator from Wyoming [Mr. O'MAHONEY] called my attention to Calendar No. 673, Senate bill 1459, introduced by him and me, to provide for the extension of certain oil and gas leases, and he asked if it might not be considered by the Senate. I have spoken about the bill to the senior Senator from Ohio [Mr. TAFT], the acting minority leader, as well as with the leadership on this side of the Chamber. This is a bill which affects only a very few leases, but action must be had before the expiration of more time or valuable rights may be lost. I therefore ask unanimous consent that the bill may be now considered.

Mr. TAFT. Mr. President, I may say that I have consulted with the Republican members of the Committee on Public Lands and Surveys, and there is no objection, so far as I know, to the passage of the bill, and I believe it will involve in no debate.

Mr. HATCH. I understand it will not. Mr. TAFT. I have no objection.

The PRESIDING OFFICER. The clerk will state the bill by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1459) to provide for the extension of certain oil and gas leases.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the last sentence in the first section of the act entitled "An act to grant a preference right to certain oil and gas leases," approved July 29, 1942, as amended, is hereby amended to read as follows: "The term of any 5-year lease expiring prior to December 31, 1946, maintained in accordance with the applicable statutory requirements and regulations and for which no preference right to a new lease is granted by this section, is hereby extended to December 31, 1946."

REORGANIZATION OF GOVERNMENT AGENCIES

The Senate resumed the consideration of the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

Mr. MURDOCK. Mr. President, in connection with the pending amendment, I wish to make a few remarks.

If the amendment offered jointly by the distinguished Senator from New Jersey [Mr. SMITH], the distinguished Senator from Missouri [Mr. DONNELL], and the distinguished Senator from Maryland [Mr. TYDINGS], shall be agreed to, we will be right back at the place where we began. No Senator would rise in his place today and say that the President of the United States could not immediately, without the passage of any legislation at all, examine and investigate the executive departments and send to the Congress a plan of reorganization. Having submitted the plan to us, then, of course, Congress, in its deliberate procedure, could let the plan lie here month after month, and it would die without action. That is exactly the position the President and the Congress are in today.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. HICKENLOOPER. I believe the statement made by the Senator from Utah is sound, but in view of the fact that it must be universally agreed that the Government departments are sprawling and overlapping, and that the President does have the authority and power to act, why has not the President submitted a plan of reorganization and reduction looking to the promotion of efficiency? To me it is no excuse to urge that the President might say, "If I do, Congress will not act on it." It would still seem to me to be the President's duty to submit a plan, and then hold Congress to its responsibility for action.

Mr. MURDOCK. I am sure the Senator would not want me to answer for the Chief Executive, but the answer is that the President has sent a special message to the Congress asking us to give him the authority coupled with the responsibility to proceed and do the job. The present President of the United States sat in the United States Senate for 10 or 11 years; he knows how impossible it is for Congress to do a reorganization job. In fact, he knows, as the Senator from Georgia stated just a few minutes ago, that if the matter is left to Congress, reorganization of the executive department will not take place.

If the Senator desires any further evidence, I call his attention to the empty benches in the Senate today; I call his attention to the fact that the same condition has existed ever since debate on this reorganization bill began, which, in my opinion, is the best evidence of the fact that Congress is just not interested in reorganization. That is my answer to the Senator.

Bills of this kind have been passed before. In the past we gave President Hoover and President Roosevelt power to do the job, and now one of our former colleagues is asking us to extend to him, as President, not, in my opinion, the power, but merely to give him the responsibility to go ahead and do the job within the pattern and formula laid down by Congress.

Mr. HICKENLOOPER. Mr. President, will the Senator further yield?

Mr. MURDOCK. I yield.

Mr. HICKENLOOPER. I realize that the President has requested this action,

but I still contend that the President has the power and the authority to recommend specific reorganization.

In answer to the statement the Senator made a moment ago that it is difficult for Congress to write a reorganization bill, let me call the attention of the Senator to the numerous bills which are prefabricated and prewritten in the various executive departments but upon which Congress passes. True, many of them bear the name of an individual Member of Congress, but it is a well known fact that those bills are written in detail in the various executive departments. When the departments really want something, when they really advocate something, when they insist upon something, they find no difficulty in preparing a bill in its minutest form, assembling the evidence and preparing the facts which they want to present in support of the bill, very often prior to the time it is introduced in the Congress. So I say there would be no difficulty whatsoever—perhaps a burden, but no substantial difficulty—in the President preparing his specific reorganization program and sending it to Congress without any legislation directing him to do so under the powers already existing.

Of course, I admit there would then be encountered the question whether Congress would or would not become ponderous in its consideration and action upon the bill, but the question of ponderosity of legislative procedure is the responsibility of Congress, which we in Congress should not shirk. I may say that, while I am one of the youngest and most inexperienced Members of this body, I do not subscribe as yet—I hope I never shall reach the point—to the statement, the fatalistic statement, if you please, made by a great statesman, the distinguished senior Senator from Georgia [Mr. GEORGE], who said he came here originally with the idea that these things could be done, but that he was forced to say, after years of attendance and experience in Congress, that he believed they were impossible of accomplishment because of the inertia in Congress itself.

I may say to the Senator that I, for one, have not lost as yet my respect for the responsibility of Congress, or my zeal to help get Congress to the point where it will do its duty and perform its responsibility under the Constitution of the United States.

Mr. MURDOCK. Mr. President, I want to congratulate the distinguished Senator from Iowa on his unlimited optimism. If he can get any comfort out of the statements he has made, in view of the interest which the Senate of the United States is exhibiting, not in reorganization, but in a reorganization bill, I want him to have all the comfort he can get.

I think the Senator from Georgia and the Senator from Virginia, both of whom have spoken on this question, have been willing to change their minds—why? Not because of any change of mind or of any change of attitude respecting a principle, but they have come, probably unwillingly, to the realization that there are some things that Congress cannot do, even if it should do them, and one of those things is to reorganize the executive branch of the Government,

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. MURDOCK. I am always glad to yield to the Senator from Michigan.

Mr. VANDENBERG. I wanted to ask the Senator if he thought that it was a sufficient justification for the desertion of constitutional convictions to discover that Congress found it difficult to act as the result of constitutional restriction?

Mr. MURDOCK. I would prefer to have the Senator propound that question to the Senators who, as I understand, are said to have changed their minds on their constitutional convictions, rather than to answer it myself.

I will say to the Senator, however, I agree thoroughly with the distinguished Senator from Missouri and the statement made by the distinguished senior Senator from Georgia that Congress cannot, under the Constitution, delegate any legislative power. To try to justify under our Constitution the delegation of legislative powers of the Congress is absolutely untenable. I think the Supreme Court time and time again has held emphatically that the delegation of legislative power is unconstitutional, but I take the same position, Mr. President, as the Senator from Georgia did today, that we do not in a bill of this kind delegate any legislative power. We write out the formula. Congress establishes the standards, Congress establishes the legislative pattern, and in this instance calls upon the Chief Executive to fill in the detail. Time and time again the Supreme Court has held, and in my opinion will continue to hold, that that is not a delegation of legislative power. For Senators to stand on the Senate floor and contend day after day that we do not in this bill set up proper standards, in my opinion, is answered quite emphatically by one of our Federal courts. But it seems to me that Senators who argue the constitutional question are perfectly willing absolutely to ignore that court decision and brush it aside and say that it means nothing.

Mr. DONNELL. Mr. President—

The PRESIDING OFFICER (Mr. HUFFMAN in the chair). Does the Senator from Utah yield to the Senator from Missouri?

Mr. MURDOCK. I yield.

Mr. DONNELL. I understand that the Senator, as he has so clearly stated on other occasions, does not regard this bill as delegating legislative power. Am I correct?

Mr. MURDOCK. If I thought the bill delegated legislative power I would not be here supporting it.

Mr. DONNELL. That is what I understood was the Senator's position. I ask him another question. First, I may say that he answered the question some days ago, but so much time has elapsed that I should like to have the question re-answered, if he has no objection. Am I correct in understanding that he disagrees with the language of the Committee on the Judiciary of the Senate which in October of this year, on page 3 of its report, used this language:

This bill provides that part of the legislative power of the Congress shall be delegated to the President.

Further the report used this language:

Such a delegation of legislative power does not operate to deprive either House of the Congress of its constitutional right—

And so forth. On the next page of the report the committee used this language:

It seems apparent that the President will make large use of the Bureau of the Budget in exercising the legislative power respecting reorganization which this bill delegates to him.

And then in the next paragraph:

In delegating certain legislative power to the President, this bill exempts from the exercise of such power—

And so forth. I ask the Senator again: Does he agree or disagree with this language referring to the delegation of legislative power to the President, thus employed four separate times by the Committee on the Judiciary, of which the able Senator is a distinguished member, and which then consisted of 17 lawyers Members of this body?

Mr. MURDOCK. My answer is the same today as it was a day or two ago. I had nothing whatever to do with the writing of the report. I did not know what was in it until it came to the floor of the Senate. I disclaim any authorship of that language in the Senate report, and I simply say it is rather unfortunate in my humble judgment that that language was used. I do not think the language is important. I do not think, in view of the position the distinguished Senator from Missouri takes, that that language is important. If the bill delegates legislative power and finally becomes law, certainly the Supreme Court will take care of that matter if and when it comes to the court.

I say to the Senator again that the courts have already ruled on the question, and I intend in the brief remarks—at least I hope they will be brief—which I shall make this afternoon, to refer to that decision, and if the distinguished Senator is willing to listen to a Federal court, the answer to his argument is contained in this opinion which I will read in a few minutes.

Mr. DONNELL. Mr. President, I understand then that the Senator says he disagrees with the language used by the Judiciary Committee to which I referred. Is that correct?

Mr. MURDOCK. Yes. I could not have said it any plainer. I do disagree that Congress has any constitutional power to delegate legislative authority.

Mr. DONNELL. And does the Senator disagree with the statement thus made four times by the Committee on the Judiciary that this bill does delegate legislative power? Does he disagree or not?

Mr. MURDOCK. I have given the Senator an answer to that two or three times. I disagree heartily, emphatically, and vehemently that this bill delegates any legislative power. In my opinion, we have set up the standards specifically. We have told the President what he can do and what he cannot do. And we simply call upon him then within those standards to go ahead and reorganize.

Mr. President, I now ask permission to insert in the RECORD as a part of my remarks that part of the bill passed in 1932 dealing with reorganization in the

executive departments. I also ask unanimous consent to include as a part of my remarks the amendment adopted in early 1933 to that reorganization bill, which amendment was in line with the recommendations made by the then Attorney General Mitchell, in which opinion the Attorney General held that for Congress to reserve the power of veto in the separate Houses of Congress raised very grave questions of constitutionality. As a result of that opinion, the Congress, under President Hoover's administration, struck out that provision which retained the veto power in either House, and the amendment did away with any requirement at all that the reorganization program should be submitted back to Congress before becoming effective.

I ask that that part of the 1932 bill to which I referred and the amendment of 1933 be printed in the RECORD, as a part of my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

TITLE IV—REORGANIZATION OF EXECUTIVE DEPARTMENTS

DECLARATION OF POLICY

SEC. 401. In order to further reduce expenditures and increase efficiency in Government it is declared to be the policy of Congress—

(a) To group, coordinate, and consolidate executive and administrative agencies of the Government, as nearly as may be, according to major purpose;

(b) To reduce the number of such agencies by consolidating those having similar functions under a single head;

(c) To eliminate overlapping and duplication of effort; and

(d) To segregate regulatory agencies and functions from those of an administrative and executive character.

DEFINITIONS

SEC. 402. When used in this title—

(1) The term "executive agency" means any commission, board, bureau, division, service, or office in the executive branch of the Government, but does not include the executive departments mentioned in title 5, section 1, United States Code.

(2) The term "independent executive agency" means any executive agency not under the jurisdiction or control of any executive department.

POWER OF PRESIDENT

SEC. 403. For the purpose of carrying out the policy of Congress as declared in section 401 of this title, the President is authorized by Executive order—

(1) To transfer the whole or any part of any independent executive agency, and/or the functions thereof, to the jurisdiction and control of an executive department or another independent executive agency;

(2) To transfer the whole or any part of any executive agency, and/or the functions thereof, from the jurisdiction and control of one executive department to the jurisdiction and control of another executive department; or

(3) To consolidate or redistribute the functions vested in any executive department or in the executive agencies included in any executive department; and

(4) To designate and fix the name and functions of any consolidated activity or executive agency and the title, powers, and duties of its executive head.

SEC. 404. The President's order directing any transfer or consolidation under the provisions of this title shall also designate the records, property (including office equip-

ment), personnel, and unexpended balances of appropriations to be transferred.

SAVING PROVISIONS

SEC. 405. (a) All orders, rules, regulations, permits, or other privileges made, issued, or granted by or in respect of any executive agency or function transferred or consolidated with any other executive agency or function under the provisions of this title, and in effect at the time of the transfer or consolidation, shall continue in effect to the same extent as if such transfer or consolidation had not occurred, until modified, superseded, or repealed.

(b) No suit, action, or other proceeding lawfully commenced by or against the head of any department or executive agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of any transfer of authority, powers, and duties from one officer or executive agency of the Government to another under the provisions of this title, but the court, on motion or supplemental petition filed at any time within 12 months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the head of the department or executive agency or other officer of the United States to whom the authority, powers, and duties are transferred.

(c) All laws relating to any executive agency or function transferred or consolidated with any other executive agency or function under the provisions of this title, shall, insofar as such laws are not inapplicable, remain in full force and effect, and shall be administered by the head of the executive agency to which the transfer is made or with which the consolidation is effected.

STATUTORY AGENCIES

SEC. 406. Whenever, in carrying out the provisions of this title, the President concludes that any executive department or agency created by statute should be abolished and the functions thereof transferred to another executive department or agency or eliminated entirely the authority granted in this title shall not apply, and he shall report his conclusions to Congress, with such recommendations as he may deem proper.

DISAPPROVAL OF EXECUTIVE ORDER

SEC. 407. Whenever the President makes an Executive order under the provisions of this title, such Executive order shall be transmitted to the Congress while in session and shall not become effective until after the expiration of 60 calendar days after such transmission, unless Congress shall sooner approve of such Executive order or orders by concurrent resolution, in which case said order or orders shall become effective as of the date of the adoption of the resolution: *Provided*, That if Congress shall adjourn before the expiration of 60 calendar days from the date of such transmission such Executive order shall not become effective until after the expiration of 60 calendar days from the opening day of the next succeeding regular or special session: *Provided further*, That if either branch of Congress within such 60 calendar days shall pass a resolution disapproving of such Executive order, or any part thereof, such Executive order shall become null and void to the extent of such disapproval: *Provided further*, That in order to expedite the merging of certain activities, the President is authorized and requested to proceed, without the application of this section, with setting up consolidations of the following governmental activities: Public Health (except that the provisions hereof shall not apply to hospitals now under the jurisdiction of the Veterans' Administration), Personnel Administration, Education (except the Board of Vocational

Education shall not be abolished), and Mexican Water and Boundary Commission, and to merge such activities, except those of a purely military nature, of the War and Navy Departments as, in his judgment, may be common to both and where the consolidation thereof in either one of the departments will effect economies in Federal expenditures, except that this section shall not apply to the United States Employees' Compensation Commission.

REPORT TO CONGRESS

SEC. 408. The President shall report specially to Congress at the beginning of each regular session any action taken under the provisions of this title, with the reasons therefor.

[Amendment of 1933]

TITLE IV—REORGANIZATION OF EXECUTIVE DEPARTMENTS

DECLARATION OF STANDARD

SEC. 401. The Congress hereby declares that a serious emergency exists by reason of the general economic depression; that it is imperative to reduce drastically governmental expenditures; and that such reduction may be accomplished in great measure by proceeding immediately under the provisions of this title.

Accordingly the President shall investigate the present organization of all executive and administrative agencies of the Government and shall determine what changes therein are necessary to accomplish the following purposes:

- (a) To reduce expenditures to the fullest extent consistent with the efficient operation of the Government;
- (b) To increase the efficiency of the operations of the Government to the fullest extent practicable within the revenues;
- (c) To group, coordinate, and consolidate executive and administrative agencies of the Government, as nearly as may be, according to major purposes;
- (d) To reduce the number of such agencies by consolidating those having similar functions under a single head, and by abolishing such agencies and/or such functions thereof as may not be necessary for the efficient conduct of the Government;
- (e) To eliminate overlapping and duplication of effort; and
- (f) To segregate regulatory agencies and functions from those of an administrative and executive character.

DEFINITION OF EXECUTIVE AGENCY

SEC. 402. When used in this title the term "executive agency" means any commission, independent establishment, board, bureau, division, service, or office in the executive branch of the Government and, except as provided in section 403, includes the executive departments.

POWER OF PRESIDENT

SEC. 403. Whenever the President, after investigation, shall find and declare that any regrouping, consolidation, transfer, or abolition of any executive agency or agencies and/or the functions thereof is necessary to accomplish any of the purposes set forth in section 401 of this title, he may by Executive order—

- (a) Transfer the whole or any part of any executive agency and/or the functions thereof to the jurisdiction and control of any other executive agency;
- (b) Consolidate the functions vested in any executive agency; or
- (c) Abolish the whole or any part of any executive agency and/or the functions thereof; and
- (d) Designate and fix the name and functions of any consolidated activity or executive agency and the title, powers, and duties of its executive head; except that the Presi-

dent shall not have authority under this title to abolish or transfer an executive department and/or all the functions thereof.

SEC. 404. The President's order directing any transfer, consolidation, or elimination under the provisions of this title shall also make provision for the transfer or other disposition of the records, property (including office equipment), and personnel, affected by such transfer, consolidation, or elimination. In any case of a transfer or consolidation under the provisions of this title, the President's order shall also make provision for the transfer of such unexpended balances of appropriations available for use in connection with the function or agency transferred or consolidated, as he deems necessary by reason of the transfer or consolidation, for use in connection with the transferred or consolidated function or for the use of the agency to which the transfer is made or of the agency resulting from such consolidation.

SAVING PROVISIONS

SEC. 405. (a) All orders, rules, regulations, permits, or other privileges made, issued, or granted by or in respect of any executive agency or function transferred or consolidated with any other executive agency or function under the provisions of this title, and in effect at the time of the transfer or consolidation, shall continue in effect to the same extent as if such transfer or consolidation had not occurred, until modified, superseded, or repealed.

(b) No suit, action, or other proceeding lawfully commenced by or against the head of any executive agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of any transfer of authority, power, and duties from one officer or executive agency of the Government to another under the provisions of this title, but the court, on motion or supplemental petition filed at any time within 12 months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the head of the executive agency or other officer of the United States to whom the authority, powers, and duties are transferred.

(c) All laws relating to any executive agency or function transferred or consolidated with any other executive agency or function under the provisions of this title, shall, insofar as such laws are not inapplicable, remain in full force and effect, and shall be administered by the head of the executive agency to which the transfer is made or with which the consolidation is effected.

WINDING UP AFFAIRS OF AGENCIES

SEC. 406. In the case of the elimination of any executive agency or function, the President's order providing for such elimination shall make provision for winding up the affairs of the executive agency eliminated or the affairs of the executive agency with respect to the functions eliminated, as the case may be.

EFFECTIVE DATE OF EXECUTIVE ORDER

SEC. 407. Whenever the President makes an Executive order under the provisions of this title, such Executive order shall be submitted to the Congress while in session and shall not become effective until after the expiration of 60 calendar days after such transmission, unless Congress shall by law provide for an earlier effective date of such Executive order or orders: *Provided*, That if Congress shall adjourn before the expiration of 60 calendar days from the date of such transmission such Executive order shall not become effective until after the expiration of 60 calendar days from the opening day of the next succeeding regular or special session.

APPROPRIATIONS IMPOUNDED

SEC. 408. The appropriations or portions of appropriations unexpended by reason of the operation of this title shall not be used for any purpose but shall be impounded and returned to the Treasury.

Mr. MURDOCK. Mr. President, I ask also that sections 1, 2 and 3 of the pending Senate bill be printed in the RECORD at this point as a part of my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

TITLE I

SEC. 1. (a) The President shall examine and from time to time reexamine the organization of all agencies of the Government and shall determine what changes therein are necessary to—

- (1) facilitate orderly transition from war to peace;
- (2) reduce expenditure to the fullest extent consistent with the efficient operation of the Government;
- (3) increase the efficiency of the operations of the Government to the fullest extent practicable;
- (4) group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;
- (5) reduce the number of agencies by consolidating those having similar functions under a single head, and by abolishing such agencies as may not be necessary for the efficient conduct of the Government;
- (6) eliminate overlapping and duplication of effort; and
- (7) provide for making currently and continuously, subject to the limitation contained in subsection (d) of section 4 hereof, such adjustments in the Government establishment as may be necessary or desirable in the interests of economy and efficiency.

(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding under the provisions of this title, and can be accomplished more speedily and efficiently thereby than by the enactment of specific legislation.

SEC. 2. No reorganization plan under section 4 shall provide for, and no reorganization under this Act shall have the effect of—

- (a) continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made; or
- (b) continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been made, or beyond the time when the agency in which it was vested before the reorganization would have terminated if the reorganization had not been made; or
- (c) authorizing any agency to exercise any function which is not expressly authorized by law at the time the plan is transmitted to the Congress; or
- (d) transferring to any other agency any executive department or all the functions thereof; or
- (e) consolidating with any executive department any other executive department or all the functions thereof; or
- (f) abolishing any executive department or all the functions thereof; or
- (g) establishing any new executive department, or changing the name of any executive department, or designating any agency as "Department" or the head of any new agency as "Secretary"; or
- (h) divesting any quasi-judicial agency of the means, right, or power to exercise independent judgment and discretion, to the full

extent authorized by law, in the performance and effectuation of its quasi-judicial, investigative, or rule-making functions; or

(1) increasing the term of any office beyond that now provided by law for such office.

SEC. 3. (a) Whenever the President, after investigation, finds that—

(1) the transfer of the whole or any part of any agency or the functions thereof to the jurisdiction and control of any other agency; or

(2) the consolidation or coordination of the whole or any part of any agency or the functions thereof with the whole or any part of any other agency or the functions thereof; or

(3) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

(4) the abolition of any function or functions; or

(5) the abolition of the whole or any part of any agency which agency or part (by reason of reorganizations under this act or otherwise, or by reason of termination of its functions in any other manner) does not have, or upon the taking effect of the reorganizations specified in the reorganization plan will not have, any functions,

is necessary or desirable to accomplish one or more of the purposes of section 1 (a), he shall prepare a reorganization plan for the making of any reorganizations as to which he has made findings hereunder and which he elects to include in the plan, and shall transmit such plan (bearing an identifying number) to the Congress, together with a declaration that, with respect to each reorganization specified in the plan, he has found that such reorganization is necessary or desirable to accomplish one or more of the purposes of subsection 1 (a). The delivery to both Houses shall be on the same day and shall be made to each House while it is in session.

(b) Any reorganization plan prepared and transmitted pursuant to subsection 3 (a) shall—

(1) make provision for the transfer or other disposition of the records, property, and personnel affected by such reorganization;

(2) make provision for the transfer of such unexpended balances of appropriations available for use in connection with any agency reorganized as the President deems necessary by reason of the reorganization: *Provided*, That such unexpended balances so transferred shall be used only for the purposes for which the appropriation is originally made and any appropriations or portions of appropriations unexpended by reason of the operation of this act shall not be used for any purpose but shall be impounded and returned to the Treasury;

(3) make provision for winding up the affairs of any agency abolished;

(4) designate, in such cases as the President deems necessary, the name of any agency affected by a reorganization;

(5) make provision for such further measures, consistent with section 2, as the President deems necessary in order to facilitate administration with respect to any agency affected by a reorganization, including provision for the appointment, compensation, and duties of the head or any other officer of such agency: *Provided*, That no person shall be appointed to any office under a reorganization plan for a fixed term in excess of 4 years, and no provision shall be made under a reorganization plan for the appointment of any person as the head of an agency or (except for appointment under the classified civil service) as a policy-maker or at a rate of compensation in excess of \$5,000 per year, except by and with the advice and consent of the Senate: *Provided further*, That no reorganization plan shall fix the compensation of any person at more than \$10,000 per year.

Mr. MURDOCK. Mr. President, I have had these matters printed in the

RECORD for the purpose of setting before the Senate the 1932 bill, with the amendment, and the pending bill, for the purposes of making a comparison as to the standards set up by this bill and by the bill of 1932.

Then, Mr. President, I desire to read at this point from the case of *Isbrandtsen-Moller Co., Inc.*, against the United States and others, decided by the District Court of the Southern District of New York, by a court constituted of three Federal district judges. In that case, Mr. President, the very question of standards was raised, raised in the pleadings, argued by the eminent counsel to which the Senator from Missouri referred the other day, and decided on directly by the court. The opinion was written by Judge Chase, a circuit judge who, I am informed, is considered one of the most eminent Federal judges in the United States. In that opinion we find this statement, reading from page 412 of Federal Supplement 14:

There remains only the question of the power of Congress to do that. On this point we are concerned with power regardless of the wisdom or effect of its exercise as a matter of good public policy. Much of the complainant's argument has been directed to the public benefit which would flow from keeping the functions formerly of the Shipping Board independent and free from direct control an executive can exert over the Department of Commerce. Perhaps that is so, but that is for Congress to decide in the performance of its duty to legislate in the public interest, and so long as it acts within the scope of its power as the National Legislature its choice of means and methods is to be given effect.

It is not, nor could it successfully be, disputed that Congress had the power to delegate to the Shipping Board in the manner it did so, the powers and duties that board possessed before Executive Order No. 6166 was promulgated. The change which has been made clothes an executive department with the same powers and duties to be exercised in the same way as before. We think that the same powers and duties which were properly delegated to the Shipping Board could be delegated to any other person or body to which Congress should see fit to cause them to be transferred. It elected to have the President investigate and decide what should be done in this regard in the furtherance of efficiency and economy and then adopted his decision. The result was to abolish a board whose existence was dependent upon the will of Congress and to delegate to the Department of Commerce the same powers and duties the board had possessed. This seems in accord with correct standards as to delegation of authority to act within proper limits prescribed by Congress.

I repeat that statement of the court:

This seems in accord with correct standards as to delegation of authority to act within proper limits prescribed by Congress. (See *Panama Refining Co. v. Ryan* (293 U. S. 388, 55 S. Ct. 241, 79 L. Ed. 446); *Schechter Poultry Corporation v. United States* (295 U. S. 495, 55 S. Ct. 837, 79 L. Ed. 1570, 97 A. L. R. 947).) Whether the delegation, assuredly proper in subject matter and lawfully defined in scope, purpose, and manner of exercise, should have been to an executive department, was within the sound discretion of Congress. As it did not confer upon anyone functions it was bound to keep and exercise for itself, there was no failure to preserve the required separation of governmental powers. Regulatory powers wide in scope have been lawfully conferred upon the

Secretary of Agriculture (*Stafford v. Wallace* (258 U. S. 495, 42 S. Ct. 397, 66 L. Ed. 735, 23 A. L. R. 229); *Tagg Bros. & Moorhead v. United States* (280 U. S. 420, 50 S. Ct. 220, 74 L. Ed. 524)); upon the Secretary of Labor (*Oceanic Steam Navigation Co. v. Stranahan* (214 U. S. 320, 29 S. Ct. 671, 53 L. Ed. 1013)); and upon the Secretary of the Interior (*United States ex rel. Riverside Oil Co. v. Hitchcock* (190 U. S. 316, 23 S. Ct. 698, 47 L. Ed. 1074)).

Mr. President, I make the point that a Federal court, a part of the Federal judiciary, has emphatically answered the challenge and the question of unconstitutionality raised by the distinguished Senator from Missouri [Mr. DONNELL]. It was deciding the same question now raised by the Senator from Missouri in connection with the pending bill involving the reorganization act of 1932. The question of delegation of legislative powers was raised. The question was emphatically answered by the court, which found that proper standards were set up. In support of the opinion of the court, it cites the very cases which the Senator from Missouri has so persistently and repeatedly called to the attention of the Senate in support of his position.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. MORSE. The Senator correctly points out, of course, that the decision from which he read was by a lower Federal court.

Mr. MURDOCK. It was a three-judge court constituted under one of the Federal statutes with which the able Senator is familiar.

Mr. MORSE. I wonder if the Senator would agree with me that most of the great decisions of the United States Supreme Court holding statutes of Congress unconstitutional have been decisions in cases in which lower Federal courts had already declared the statute in question to be constitutional.

Mr. MURDOCK. I will say to the Senator that frequently the Supreme Court overrules the lower Federal courts. But my answer to the Senator, and to the Senator from Missouri, is that if they have better authority than I have on the question of constitutionality, let them submit it. I say to the Senator that this very case went to the Supreme Court of the United States; and if any Senator or any lawyer will read that Supreme Court decision he cannot help but come to the conclusion that the Supreme Court went a long way in upholding the Federal court which had decided the question.

Mr. MORSE. I think the challenge of the Senator is a fair one, and I should like to meet the challenge. I suggest to him that he reread the *Schechter* case, the *Panama-Pacific* case, and other cases in which the Supreme Court has made perfectly clear that Congress cannot delegate its legislative functions, but that it does have the authority to delegate administrative functions.

Mr. MURDOCK. The Senator and I are in full agreement on that question.

Mr. MORSE. Permit me to finish my thesis. It will not take me long.

Mr. MURDOCK. I beg the Senator's pardon.

Mr. MORSE. I think the cases are pretty clear that one of the tests applied to the standards which must be encompassed in any act which Congress passes delegating administrative functions is that the standards shall not permit of the exercise of arbitrary discretion by the body to which the administrative function is delegated. I say to my good friend the distinguished Senator from Utah that the standards which he alleges are provided for in the bill now under discussion are standards which permit of the exercise of arbitrary discretion on the part of the President of the United States. I believe that when the Supreme Court comes to pass upon those standards it will be compelled, in line with principles which it has already laid down, to reverse the decision of the lower Federal court to which the Senator has referred.

Mr. MURDOCK. I know the Senator's position; and argumentative as I may seem to be at times, I would not undertake to convince either the Senator from Oregon or the Senator from Missouri of the correctness of my position or the correctness of the position of the Federal district court which decided in support of the position which I take today. However, I should welcome an opportunity in the future to argue this very question with either of the distinguished Senators, or both of them, before a court which had not made up its mind, as it is so evident that the two distinguished Senators have.

I say again that the Supreme Court of the United States, when it considered the lower court's decision, on appeal of this very case, could very gracefully and conveniently, if there had been any doubt in its mind as to the standards set up, have overruled the lower court and sent the case back. But the Supreme Court did not see fit to do so. In my opinion it went considerably out of its way to decide that the question had become moot by action of Congress; and it decided this particular case on that basis and no other.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. DONNELL. I think possibly the Senator, in the concluding portion of his sentence, has already anticipated my question. My point was that the Supreme Court refused to decide this case on the grounds stated by the Court, namely that the case had become moot. That is correct, is it not?

Mr. MURDOCK. Yes. On the question of standards, the Court held that the question was moot, and did not decide it.

Mr. President, I wish to read a very brief statement from the present Comptroller General, Mr. Lindsay Warren, a former Member of the House of Representatives, with whom I had the honor and distinction of serving for 6 or 8 years in the House. During the time that he served in the House he was chairman of the House committee dealing with reorganization. In my opinion there is no man in Washington today, unless it be the distinguished Senator from Virginia [Mr. BYRD], who has given to the question of reorganization

more time, more energy, and more study than has the distinguished former Representative from North Carolina, Hon. Lindsay Warren. I read from a letter written by him to the Senator from Nevada [Mr. McCARRAN], dated November 7, 1945, on the question of congressional veto:

A most significant change is noted in section 4 where provision is made for the veto, in effect, of any reorganization plan by resolution of either House of Congress.

He is referring to the bill as it came from the Senate committee, which provided for a veto by either House, instead of requiring concurrence of both Houses.

I read further from the letter:

The House bill, like the Reorganization Act of 1939, calls for such disapproval by both Houses through a concurrent resolution. It will be noted the present Senate bill, in practical effect, follows the provision of the original Reorganization Act of 1932 (47 Stat. 413, 5 U. S. C. 124 (1934 ed.)), the constitutionality of which was declared to be in grave doubt in an opinion of Attorney General Mitchell, dated January 24, 1933 (37 Ops. Atty. Gen. 56). In the light of that opinion, the same Congress, on March 3, 1933, amended the act so as to strike from its provisions entirely any provision for a veto by Congress (see 47 Stat. 1517). Since, at that time, no agency was exempt from the operation of the law and the powers granted included the abolition of functions as well as agencies, it will be seen that the power delegated to the President was a considerably greater one than that contained either in the 1939 act or in the present House bill—each of which provides for a concurrent resolution of disapproval by both Houses—a provision adopted in the light of the historical background just stated. The provisions have been tested in the courts where the reorganizations under the former acts were brought in question.¹ If a new reorganization plan has no substantial merit it is hardly to be supposed that either House would vote against a concurrent resolution of disapproval, and in view of the questions raised as to the validity of the one-House plan, my suggestion would be to return to the concurrent resolution plan as in the House bill.

Mr. President, the other day the Senator from Missouri in his argument made much of the fact that in the *Isbrandtsen* case the plaintiff was represented by eminent and distinguished counsel. His argument, as I understood it, was to the effect that by reason of that fact, despite the fact that the court decided against the plaintiff, the conclusions and the position of eminent counsel for the plaintiff should be considered even ahead of the court's decision. That is what I understood the Senator to say.

I think the answer to the remarks of the distinguished Senator along that line is that we must remember that, notwithstanding the great eminence of counsel for the plaintiff and their great distinction at the bar and their great learning, that the court held against the position of those eminent counsel. Mr. President, in my opinion that argument on the part of the Senator is a fallacious one, and

in my opinion it is an argument in favor of the position taken by the court.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. DONNELL. The Senator has misunderstood the point I made the other day regarding the eminence of counsel. One of the counsel to whom I referred was the Honorable Frank L. Polk, who was the head of the American delegation to the Peace Conference at Paris, and at one time, as I recall, was either Secretary of State or Acting Secretary of State of the United States. The other counsel to whom I referred was the Honorable John W. Davis, who at one time—for some 5 or 6 years, as I recall; the exact time is shown in my remarks of the other day—served as Solicitor General of the United States, in Washington, and later was president of the American Bar Association, which is composed of approximately 25,000 of the lawyers of our country; he also served with distinction in other capacities, one being an ambassadorial capacity; and, in addition, in 1924 he received, and doubtless he deserved, the honor of being selected by the Democratic Party as its candidate for the Presidency of the United States. My argument was that the very fact that counsel of such eminence would present the same argument or take the same position as the one I have endeavored, feebly, it may be, to present to the Senate, indicates the respectability of that position and the fact that it is entitled to thorough and careful consideration.

Mr. President, I am not undertaking to say that the eminence of counsel necessarily implies, by any means, that their position was right and that the position of the court was wrong. I am basing my proposition with respect to the *Isbrandtsen* case and also the other case in the District of Columbia which followed the *Isbrandtsen* case—I referred to it in the Senate the other day—on the fact that both of those cases were decided by inferior courts. I use the word "inferior" in no derogatory sense, but I mean they were lower courts—trial courts or district courts—even though they did have three judges. I further base my position upon the fact that neither case was reviewed by the Supreme Court of the United States. I may add that all of us know as a matter of common knowledge that the Supreme Court of the United States has on many occasions reversed the holdings not only of district courts but of certain courts of appeal in our country, and I know, as all of us do, that until the Supreme Court of the United States has spoken upon a proposition of Federal law, there is no finality, generally speaking, I think, in the minds of the bar as to the conclusions of law which are considered as final.

So, Mr. President, the point I was making was not based on the fact that eminent counsel argued the case or on the fact that they argued upon precisely the same basis which I presented, as I understand their argument from the brief set forth in the report, or because I believe their judgment is entitled to greater weight or credence than the

¹ *Isbrandtsen-Moller Co. v. United States* (14 F. Supp. 407, 412, S. C., 300 U. S. 139); *Swayne & Hoyt, Ltd. v. United States* (18 F. Supp. 25, S. C., 300 U. S. 297); *Monarch Distributing Co. v. Alexander* (119 F. (2d) 953).

views of the court, but my point is that the very fact that men of the standing of Frank L. Polk and John W. Davis took such a position indicates very clearly that the position which they stood for and which I stand for, and which in that case as not been ruled on by the Supreme Court of the United States, but was decided, as I conceive, in the Schechter case, is entitled to careful and thorough consideration.

Let me say in conclusion, with respect to the Schechter case and the Panama case, as compared to the Isbrandtsen case, which was decided by the three-judge court, that in the Schechter case and the Panama case the laws concerned were held unconstitutional by the Supreme Court of the United States, and to my mind it is difficult to understand why the decisions in those cases should now be considered as sustaining the decision in the Isbrandtsen case; and in the second place—

Mr. MURDOCK. Mr. President, I do not wish to yield further to the Senator, to have him repeat his arguments.

Mr. DONNELL. I beg the Senator's pardon, and I shall take my seat.

Mr. MURDOCK. I prefer to have the Senator repeat his arguments in his own time.

I think I thoroughly understood the Senator's argument with respect to the eminent counsel, and he has now fortified my construction of his argument by referring again to the eminent counsel who presented the plaintiff's case to the court. I say again that notwithstanding the eminence of counsel and notwithstanding the decisions in the Schechter case and the Panama case, the three-judge court refused, even in the light of the eminence of counsel about which the Senator has spoken, to agree with them, but it specifically disagreed with them and it held that no legislative power was delegated.

Mr. President, I am thoroughly cognizant, as is the distinguished Senator from Missouri, of the fact that a decision of an inferior court is not final. But again I call attention to the fact that this case went to the Supreme Court and was not overruled by the Supreme Court. In my opinion the court based its decision largely on the Panama case and the Schechter case, and it decided that the standards set up in the Reorganization Act of 1932 were sufficient. I say to the Senate today that if the standards in the 1932 act were sufficient and specific enough to conform to the Constitution then certainly no reasonable man would take the position today that the standards which we set up in the pending bill are insufficient.

Senators on both sides of the aisle say they want reorganization. They say the American people are demanding it. Mr. President, I agree that they are. On the other hand, I say it is simply impossible to obtain any successful reorganization in the executive branch of our Government if we wait for specific legislation from the Congress. The few Senators present today and throughout the whole debate on this bill indicates a lack of interest in the question of reorganization or a willingness to allow the President to assume the great burden and respon-

sibility necessarily entailed if the job is done. Their vote on yesterday indicated the latter.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. MORSE. Good naturedly, I should like to have the Senator from Utah take note of the situation with regard to his reference to the scarcity of members in the Chamber at this time. I should like to have the Senator note that there are more Republicans present in the Chamber than there are Democrats. It is also interesting to note that the majority of the Senators who are now in the Chamber are members who recently came from the people.

I believe the Senator is quite correct in his statement that the American people are going to demand a reorganization of Congress, and if he will give them time for another election or two, I think they will send men to the Senate who will see to it that whatever plan of reorganization shall be submitted to the Congress, it will be required to receive the action of both Houses of Congress.

Mr. MURDOCK. Mr. President, I know it to be the hope of the distinguished Senator from Oregon that some day there will be a majority on his side of the aisle. I hope, of course, that that time will not come, and I am not at all pessimistic with regard to the results of the next election. I am very cognizant of the fact that there are more vacant seats at the present time on the Democratic side of the Chamber than there are on the Republican side, but I am confident that when the vote is cast on the pending amendment my Democratic colleagues will be here in sufficient strength to prevent its adoption.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. HICKENLOOPER. The statement of the Senator that there are more vacant seats on the Democratic side of the Chamber at the present moment than on the Republican side is true. However, I may invite his attention to the fact that there are six Members sitting on the Democratic side two of whom are Republicans, and that on the Republican side there are four Members who are all Republicans [Laughter.] I merely wish to keep the record straight.

Mr. MURDOCK. I am glad to have the distinguished Senator from Iowa call that fact to my attention, and we welcome him on this side of the aisle. As Members on his side become wiser they eventually move over to the Democratic side. [Laughter.]

Mr. CORDON. Mr. President, I should like merely to observe that I am in entire accord with the position taken by the Senator from Utah.

Mr. MURDOCK. I am happy to have the Senator say so.

Mr. CORDON. The Senator stated that the way for Congress to regain its proper place in the picture is by taking more interest in legislative matters. I may suggest to the Senator from Utah that we who support the pending amendment are endeavoring to do so with the hope that the Senator from Utah will come into the fold.

Mr. MURDOCK. Mr. President, I include my remarks by including as a part of them the report of a former Judiciary Committee of the Senate, the chairman of which at that time was Mr. Ashurst, of Arizona. The committee reported favorably to the Senate proposed legislation which provided for the Supreme Court of the United States to write the rules of procedure for Federal courts in law cases. I doubt, Mr. President, that there was a Republican at that time who voted against the bill. I am quite sure that no Democrats voted against it. For many years complaints had been made about the utter lack of uniformity in connection with rules of our Federal courts. At last Congress wrote the formula and the pattern, and then called upon the Supreme Court of the United States to fill in the details by writing the rules of procedure. Under the bill reported at that time the rules were required to be submitted back to the Congress. After the Supreme Court had completed its work on the rules they were submitted back to Congress and after lying here for 60 days they became the law of the land.

So, Mr. President, the pending bill is not an innovation. It does not create something new in the way of legislative history or legislative enactment. It simply follows a pattern which has existed for many years in connection with the subject of reorganization. I say to my Democratic and Republican colleagues that if they want reorganization, and want it within the lives of present Members of Congress, there is one way to get it, namely, by the enactment of a reorganization bill which will repose some confidence in the President of the United States and give him the responsibility of reorganizing the department for which he is responsible.

Mr. President, I request and hope that the substitute offered by the distinguished Senator from New Jersey [Mr. SMITH], in behalf of himself, the Senator from Missouri [Mr. DONNELL] and the Senator from Maryland [Mr. TYDINGS] will be defeated because it would simply bring us back to the position we would be in without any legislation on the subject at all. We do not need any such legislation as that which is proposed in the Smith amendment. It would not be at all helpful, but would be absolutely destructive of what the Judiciary Committee has done, and would be destructive of what was done yesterday on the floor of the Senate.

Mr. President, I ask that the report to which I have referred be printed in the RECORD at this point as a part of my remarks.

There being no objection, the report (No. 1049, 73d Cong., 2d sess.) was ordered to be printed in the RECORD, as follows:

The Committee on the Judiciary, having had under consideration the bill (S. 3040) to give the Supreme Court of the United States authority to make and publish rules in actions at law, report the same favorably to the Senate and recommend that the bill do pass.

An explanation of this proposed legislation is contained in the following letter from the Attorney General:

DEPARTMENT OF JUSTICE,
Washington, D. C., March 1, 1934.
Hon. HENRY F. ASHURST,
Chairman, Committee on the Judiciary,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: I enclose herewith a draft of a bill to empower the Supreme Court of the United States to prescribe rules to govern the practice and procedure in civil actions at law in the district courts of the United States and the courts of the District of Columbia. The enactment of this bill would bring about uniformity and simplicity in the practice in actions at law in Federal courts and thus relieve the courts and the bar of controversies and difficulties which are continually arising wholly apart from the merits of the litigation in which they are interested. It seems to me that there can be no substantial objection to the enactment of a measure which would produce so desirable a result, which, apart from its inherent merit, would also, it is believed, contribute to a reduction in the cost of litigation in the Federal courts.

I request that you introduce the enclosed bill and hope that you may be able to give it your support.

Sincerely yours,

HOMER CUMMINGS,
Attorney General.

Mr. DONNELL. Mr. President, in connection with what I understood to be the point being made by the distinguished Senator from Utah with respect to the power to make rules granted to the Supreme Court, I may say that that same proposition was presented in 1939. I should like to read only a few statements from pages 2960 and 2961 of the CONGRESSIONAL RECORD of March 20, 1939. One of the statements was made by the distinguished senior Senator from Montana [Mr. WHEELER], who said:

I entirely agree with the Senator. Suppose the Congress of the United States had said to the Supreme Court of the United States, "We will give you the power to diminish the jurisdiction of the lower Federal courts" or "We will turn over to you the power to diminish your own jurisdiction or to increase your own jurisdiction," I should say immediately that unquestionably we would have no authority under the Constitution to do anything of that kind. We say to the court, "You may make rules and regulations pertaining to the practice in the Court." That is an entirely different thing. One situation deals with substantive law. The other deals with rules of practice before the courts, which is an entirely different thing.

Then only a little later, as set forth on page 2961 of the CONGRESSIONAL RECORD of March 20, 1939, the distinguished senior Senator from Montana stated as follows:

There is a vast difference between delegating to the Supreme Court, or to the head of one of the departments, the right to make rules of practice before that body, and changing the substantive law upon the statute books of the United States.

There then followed this response by Senator Byrnes:

I agree; and I think there is an entire difference between Congress attempting to say what a court shall do, and Congress delegating to the head of the executive department the right to rearrange departments in the executive branch of the Government and submit an order to the Congress, that order not being effective if a majority of the House and Senate say it shall not become effective.

I thought, Mr. President, that it might be interesting to invite attention to the fact that the very point which has been presented by the Senator from Utah [Mr. MURDOCK] was considered in the Senate on March 20, 1939, during the debate on the question of reorganization.

EXECUTIVE SESSION

Mr. MURDOCK. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXTRADITION TREATY BETWEEN THE UNITED STATES AND CANADA

Mr. CONNALLY. Mr. President, I have before me Executive I, Seventy-ninth Congress, first session, a protocol, signed in Ottawa on October 3, 1945, to be annexed to, and to form a part of, the extradition treaty between the United States of America and Canada, signed in Washington on April 29, 1942, which the President sent to the Senate today. I ask unanimous consent that the injunction of secrecy be removed from the protocol.

The PRESIDING OFFICER (Mr. HUFFMAN in the chair). Without objection, the injunction of secrecy will be removed from the protocol, and it will be printed in the RECORD.

The protocol, with accompanying papers, is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a protocol, signed in Ottawa on October 3, 1945, to be annexed to, and to form a part of, the extradition treaty between the United States of America and Canada, signed in Washington on April 29, 1942.

I transmit also for the information of the Senate a report on the protocol made to me by the Secretary of State.

HARRY S. TRUMAN.

THE WHITE HOUSE, November 16, 1945.

[Enclosures: (1) Report of the Secretary of State; (2) protocol between the United States and Canada, signed October 3, 1945.]

DEPARTMENT OF STATE,
Washington, November 15, 1945.

The PRESIDENT,

The White House:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a protocol, signed in Ottawa on October 3, 1945, to be annexed to, and to form a part of, the extradition treaty between the United States of America and Canada, signed in Washington on April 29, 1942.

The treaty signed on April 29, 1942 (Senate Executive C, 77th Cong., 2d sess.), was approved by the Senate by its resolution of May 27, 1942, and was ratified by the President of the United States on June 6, 1942.

Action on the treaty by the Parliament of Canada was deferred by Canadian authorities pending the discussion of certain reservations with respect to items 26, 31, and 32 of article 3 thereof. The agreement reached as the result of discussion of those reservations by representatives of the Governments of the United States and Canada is embodied in the protocol transmitted herewith.

Respectfully submitted.

JAMES F. BYRNES.

[Enclosure: Protocol between the United States and Canada, signed October 3, 1945.]

EXECUTIVE I, SEVENTY-NINTH CONGRESS, FIRST SESSION—PROTOCOL ANNEXED TO THE TREATY FOR THE EXTRADITION OF CRIMINALS BETWEEN THE UNITED STATES OF AMERICA AND CANADA, WHICH WAS SIGNED AT WASHINGTON, APRIL 29, 1942

The undersigned, having been duly authorized to conclude a Protocol to be annexed to, and to form a part of, the Treaty for the Extradition of Criminals between Canada and the United States of America which was signed at Washington on April 29, 1942:

Considering that it is desired that the provisions of Items 26, 31 and 32 of Article 3 of the Treaty should not extend to the extradition of persons engaged in lawful business transactions in the requested country, unless the activities of such persons involve fraud, as defined by the laws of both countries, or wilful and knowing violation of the laws of the requesting country; and

Considering that it is desired that said provisions should not extend to the extradition of a publisher or vendor of a lawful publication in the requested country which is primarily intended for sale and circulation in that country, the circulation of which in the requesting country is only incidental to the ordinary course of publication and sale in the requested country; and

Considering that it is desired that all doubt should be removed as to the retroactive effect of any provisions of Article 3 of the Treaty which make extradition possible for an offence which was not previously an extraditable offence:

have accordingly agreed as follows:

1. No person dealing in securities in the requested country in the ordinary course of business and in compliance with the laws of the requested country shall be subject to extradition in respect of any matter involving an offence under Items 26, 31 or 32 of Article 3 of the Treaty, unless the offence involves—

(a) fraud, as defined by the laws of both countries, or

(b) wilful and knowing violation of the laws of the requesting country.

2. No person shall be subject to extradition for the sale and circulation in the requesting country of a lawful publication in the requested country which is primarily intended for sale and circulation in that country, the circulation of which in the requesting country is only incidental to the ordinary course of publication and sale in the requested country.

3. No person shall be subject to extradition by reason of any offence committed at a date prior to that on which the present Treaty comes into effect which was not an extraditable offence at the time when it was committed.

4. The terms of this declaration shall be deemed to have equal force and effect as the Treaty itself and to form an integral part thereof.

In faith whereof, the undersigned have signed the present Protocol and have affixed thereto their respective seals.

Done in Ottawa this third day of October, one thousand nine hundred and forty-five.

RAY AHERTON,
Ambassador Extraordinary and Plenipotentiary of the United States of America.

LOUIS S. ST. LAURENT,
Acting Secretary of State for External Affairs.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting a nomination and a protocol, which were referred to the appropriate committees.

(For nomination this day received, see the end of Senate proceedings.)

S. 1120

Ordered to be printed

(IN THE NATURE OF A SUBSTITUTE)

1 That this Act may be cited as the “Reorganization Act
2 of 1945”.

SEC. 1. (a) The President shall examine and from
time to time reexamine the organization of all agencies of
the Government and shall determine what changes therein
are necessary to—

1 (1) facilitate orderly transition from war to peace;

2 (2) reduce expenditure to the fullest extent con-
3 sistent with the efficient operation of the Government;

4 (3) increase the efficiency of the operations of
5 the Government to the fullest extent practicable;

6 (4) group, coordinate, and consolidate agencies
7 and functions of the Government, as nearly as may be,
8 according to major purposes;

9 (5) reduce the number of agencies by consoli-
10 dating those having similar functions under a single
11 head, and by abolishing such agencies as may not be
12 necessary for the efficient conduct of the Government;

13 (6) eliminate overlapping and duplication of effort;
14 and

15 (7) provide for making currently and continuously
16 such adjustments in the Government establishment as
17 may be necessary or desirable in the interests of economy
18 and efficiency.

19 (b) The Congress declares that the public interest de-
20 mands the carrying out of the purposes specified in subsection

21 (a) and that such purposes may be accomplished in great
22 measure by proceeding under the provisions of this title, and
23 can be accomplished more speedily and efficiently thereby
24 than by the enactment of specific legislation.

25 SEC. 2. Whenever the President after investigation finds

1 that adjustments in the Government establishment or
2 reorganizations in Government agencies are necessary or
3 desirable to accomplish one or more of the purposes of section
4 1 (a), he shall prepare a reorganization plan for the making
5 of any reorganizations which he elects to include in the
6 reorganization plan and shall transmit such reorganization
7 plan bearing an identifying number to the Congress, together
8 with a declaration that with respect to each reorganization
9 specified in the plan he has found that such reorganization is
10 necessary or desirable to accomplish one or more of the pur-
11 poses of subsection 1 (a). The delivery to both Houses
12 shall be on the same day and shall be made to each House
13 while it is in session.

14 SEC. 3. (a) Any reorganization plan transmitted pur-
15 suant to section 2 shall, subject to the succeeding provisions
16 of this section, take effect when there shall have been enacted
17 a joint resolution approving such plan. Each reorganiza-
18 tion specified in a plan which shall have been approved by
19 the enactment of such a joint resolution shall take effect on
20 the date of enactment of such joint resolution or on the date
21 specified pursuant to subsection (b) with reference to such
22 reorganization, whichever may be the later date: *Provided*,
23 That if either House of the Congress shall pass a resolution
24 referring a reorganization plan back to the President with a
25 request for specific changes, the President shall reaffirm

1 his approval of the plan as originally transmitted or shall
2 retransmit the plan with changes; and if he shall retransmit
3 the plan with changes, it shall be deemed to be a new
4 reorganization plan.

5 (b) Any provision of the plan may, under provisions
6 contained in the plan, be made operative at a time later than
7 the date on which the plan shall otherwise take effect.

8 SEC. 4. (a) All orders, rules, regulations, permits, or
9 other privileges made, issued, or granted by or in respect of
10 any agency or function reorganized under the provisions of
11 this Act and in effect at the time of the reorganization shall
12 continue in effect to the same extent as if such reorganization
13 had not occurred, until modified, superseded, or repealed,
14 except as otherwise provided in a reorganization plan.

15 (b) No suit, action, or other proceeding lawfully com-
16 menced by or against the head of any agency or other officer
17 of the United States, in his official capacity or in relation
18 to the discharge of his official duties, shall abate by reason
19 of the taking effect of any reorganization plan under the
20 provisions of this Act, but the court may, on motion or
21 supplemental petition filed at any time within twelve months
22 after such reorganization plan takes effect, showing a neces-
23 sity for a survival of such suit, action, or other proceeding
24 to obtain a settlement of the questions involved, allow the

1 same to be maintained by or against the successor of such
2 officer under the reorganization so effected.

3 (c) All laws relating to any agency or function re-
4 organized under the provisions of this Act shall, insofar as
5 such laws are not inapplicable, remain in full force and
6 effect.

7 SEC. 5. When used in this Act—

8 (a) The term “agency” means any executive depart-
9 ment, commission, independent establishment, corporation
10 owned or controlled by the United States, board, bureau,
11 division, service, office, authority, administration, or other
12 establishment in the executive branch of the Government.

13 (b) The term “establishment in the executive branch
14 of the Government” does not include the General Accounting
15 Office, which is an establishment in the legislative branch.

16 (c) The term “reorganization” means any transfer,
17 consolidation, coordination, abolition, or other measure, pro-
18 vided for in any reorganization plan transmitted pursuant
19 to section 2.

20 TITLE II

21 SEC. 201. The following sections of this title are en-
22 acted by the Congress:

23 (a) As an exercise of the rule-making power of the
24 Senate and the House of Representatives, respectively, and

1 as such they shall be considered as part of the rules of each
2 House, respectively, but applicable only with respect to the
3 procedure to be followed in such House in the case of reso-
4 lutions (as defined in section 202); and such rules shall
5 supersede other rules only to the extent that they are incon-
6 sistent therewith; and

7 (b) With full recognition of the constitutional right of
8 either House to change such rules (so far as relating to the
9 procedure in such House) at any time, in the same manner
10 and to the same extent as in the case of any other rule
11 of such House.

12 SEC. 202. As used in this title, the term "resolution"
13 means only a joint resolution, the matter after the resolving
14 clause of which is as follows: "That the Congress approves
15 the reorganization plan numbered ——— transmitted to Con-
16 gress by the President on ———, 19—.", the blank
17 spaces therein being appropriately filled; and does not in-
18 clude a joint resolution which specifies more than one
19 reorganization plan.

20 SEC. 203. A resolution with respect to a reorganization
21 plan shall be referred to a committee (and all resolutions
22 with respect to the same plan shall be referred to the same
23 committee) by the President of the Senate or the Speaker
24 of the House of Representatives, as the case may be.

25 SEC. 204. (a) If the committee to which has been

1 referred a resolution with respect to a reorganization plan
2 has not reported it before the expiration of thirty calendar
3 days after its introduction (or, in the case of a resolution re-
4 ceived from the other House, thirty calendar days after its
5 receipt), it shall then (but not before) be in order to move
6 either to discharge the committee from further consideration
7 of such resolution, or to discharge the committee from further
8 consideration of any other resolution with respect to such
9 reorganization plan which has been referred to the committee.

10 (b) Such motion may be made only by a person favor-
11 ing the resolution, shall be highly privileged (except that it
12 may not be made after the committee has reported a resolution
13 with respect to the same reorganization plan), and debate
14 thereon shall be limited to not to exceed three hours, to be
15 equally divided between those favoring and those opposing
16 the resolution. No amendment to such motion shall be in
17 order, and it shall not be in order to move to reconsider the
18 vote by which such motion is agreed to or disagreed to.

19 (c) If the motion to discharge is agreed to or disagreed
20 to, such motion may not be renewed, nor may another motion
21 to discharge the committee be made with respect to any other
22 resolution with respect to the same reorganization plan.

23 SEC. 205. (a) When the committee has reported, or
24 has been discharged from further consideration of, a resolu-
25 tion with respect to a reorganization plan, it shall at any

1 time thereafter be in order, (even though a previous motion
 2 to the same effect has been disagreed to) to move to
 3 proceed to the consideration of such resolution. Such motion
 4 shall be highly privileged and shall not be debatable. No
 5 amendment to such motion shall be in order and it shall
 6 not be in order to move to reconsider the vote by which
 7 such motion is agreed to or disagreed to.

8 (b) No amendment to the resolution shall be in order,
 9 and it shall not be in order to move to reconsider the vote
 10 by which the resolution is agreed to or disagreed to.

11 SEC. 206. (a) All motions to postpone, made with
 12 respect to the discharge from committee, or the consider-
 13 ation of, a resolution with respect to a reorganization plan,
 14 and all motions to proceed to the consideration of other
 15 business, shall be decided without debate.

16 (b) All appeals from the decisions of the Chair relat-
 17 ing to the application of the rules of the Senate or the
 18 House of Representatives, as the case may be, to the
 19 procedure relating to a resolution with respect to a re-
 20 organization plan shall be decided without debate.

21 SEC. 207. If, prior to the passage by one House of a
 22 resolution of that House with respect to a reorganization
 23 plan, such House receives from the other House a resolution
 24 with respect to the same plan, then—

25 (a) If no resolution of the first House with respect to

1 such plan has been referred to committee, no other resolu-
2 tion with respect to the same plan may be reported or
3 (despite the provisions of section 204 (a)) be made the
4 subject of a motion to discharge.

5 (b) If a resolution of the first House with respect to
6 such plan has been referred to committee—

7 (1) the procedure with respect to that or other
8 resolutions of such House with respect to such plan
9 which have been referred to committee shall be the
10 same as if no resolution from the other House with
11 respect to such plan had been received; but

12 (2) on any vote on final passage of a resolution of
13 the first House with respect to such plan the resolution
14 from the other House with respect to such plan shall
15 be automatically substituted for the resolution of the
16 first House.

AMENDMENT

(IN THE NATURE OF A SUBSTITUTE)

Proposed by Mr. SMITH (for himself, Mr. DONNEL, and Mr. TYDINGS) to the committee amendment to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

NOVEMBER 16 (Legislative day, October 29), 1945

Ordered to be printed

OFFICE OF BUDGET AND FINANCE
Legislative Reports and Service Section

79th-1st, No. 204

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued November 20, 1945, for actions of Monday, November 19, 1945)

(For staff of the Department only)

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HIGHLIGHTS: Senate passed reorganization bill; agreed to Taft amendment to continue existing reorganization orders until July 1, 1947. Agreed to Sen. Stewart's request to refer to the Agriculture and Forestry Committee his resolution to terminate rationing. Sen. O'Mahoney inserted his statement urging development of a constructive wool policy. House received President's message recommending health program; Sen. Wagner and Rep. Dingell introduced bills based on message.

SENATE

1. REORGANIZATION. Passed with amendments H.R. 4129, the reorganization bill (pp. 10969-75). Agreed to Sen. Taft's (Ohio) amendment to provide that reorganizations effected under the First War Powers Act shall continue until July 1, 1947, so that the President "may have full opportunity to submit a reorganization plan making the changes permanent if he wishes to do so" (pp. 10971-2). Rejected Sen. Smith's (N.J.) amendments (1) to eliminate all restrictions on the President's proposals and provide for adoption by positive law and (2) to automatically refer all plans to committee for action within 10 days (p. 10972).
2. RATIONING. Agreed to Sen. Stewart's (Tenn.) request that the Banking and Currency Committee be discharged from further consideration of his resolution, S. Res. 185 (expressing the sense of the Senate that the rationing of butter, oleomargarine, fats, oils, and meats should cease) and to have the resolution referred to the Agriculture and Forestry Committee (pp. 10967-8).
3. WOOL. Sen. O'Mahoney, Wyo., inserted his testimony before the Special Committee on the Production, Transportation, and Marketing of Wool in which he urged development of a constructive wool policy (pp. 10968-9).
4. RESCISSION BILL. This bill, H.R. 4407, was made the order of business for Nov. 21 (pp. 10976-7).
5. NOMINATION. Confirmed the nomination of Robert E. Freer to be Federal Trade Commissioner (p. 10978).

6. PERSONNEL; HEALTH. H. R. 2716, as reported by the Civil Service Committee (see Digest 202): Provides for promoting and maintaining the physical and mental fitness of employees of the Federal Government; to carry out these purposes the heads of departments and agencies would be authorized, within the limits of appropriations made by the Congress, to establish health programs for their employees; services provided under such programs would be limited to treatments of minor illnesses and dental conditions and emergency cases of injury or illness sustained by an employee in the performance of his duty, preemployment and other examinations; referral of employees to private physicians and dentists; and education and preventive programs relating to health; designates the CSC as the coordinating agency in the development of such services, and provides that programs can be established only upon recommendation of the Commission after consultation with the Public Health Service; and prohibits the establishment of health programs under the act in localities in which the number of persons employed is not sufficient to warrant the furnishing of such services.
7. ADMINISTRATIVE LAW. The Judiciary Committee reported with amendment S. 7, to improve the administration of justice by prescribing fair administrative procedure (S.Rept. 752) (p. 10959).
8. MINERALS. The Public Lands and Surveys Committee reported with amendment H.R. 608, to exclude certain lands in Deschutes County, Oreg., from the provisions of the statutes relating to the promotion of the development of U.S. mining resources (S. Rept. 753) (p. 10959).
9. RESEARCH; ATOMIC ENERGY. Sen. Hoey, N.C., inserted a Wake Forest College resolution urging open research and discussion with other nations on atomic energy (p. 10958-9).
10. MILITARY TRAINING. Sen. Butler, Nebr., inserted an Ansgar Lutheran editorial and a serviceman's letter criticizing universal military training (pp. 10959-60).
11. VETO. Sen. Vandenburg, Mich., spoke in favor of the item veto and included a Gallup poll on the subject (pp. 10957-8).

HOUSE

12. PRICE CONTROL. Rep. Gallagher, Minn., commended OPA price administration and included a Chicago Herald editorial on the subject (pp. 10980-1).
13. COFFEE SUBSIDY. Rep. Buffett, Nebr., criticized the proposed \$24,000,000 six-months' coffee subsidy (p. 10984).
14. COTTON STATISTICS. Received this Department's draft of a proposed bill on the collection and publication of statistics of the grade and staple length of cotton. To Agriculture Committee. (p. 10998).
15. PERSONNEL; RETIREMENT. Both Houses received CSC's draft of a proposed bill to provide eligibility for annuity at age 70 after at least 5 years of service in lieu of 15 years of such service. To Civil Service Committees. (pp. 10958, 10998).
16. HEALTH; PRESIDENT'S MESSAGE. Received the President's recommendations for a public-health program (pp. 10989-93).
17. ST. LAWRENCE SEAWAY. Rep. Pittenger, Minn., reported on the status of this project (p. 10983-4).

producers of Australia, New Zealand, and South Africa.

It is true that during the war the Commodity Credit Corporation has from year to year purchased the domestic clip in this country at ceiling prices. This policy has been beneficial, but it has existed only on a year-to-year basis and to date there is no indication of what the future program is likely to be.

It is true also that when, at the beginning of the war, this Government undertook to permit the United Kingdom to establish a stock pile of wool in the United States it effected an agreement that the wool should not be sold in the United States until the United States and Great Britain had agreed upon the conditions of sale, one of which would be the payment of the tariff duty. This agreement has been respected, but it is one of the major objectives of British policy to dispose of the United Kingdom stock pile in this country as soon as it can be done.

Two other aspects of Government policy toward United States production are not quite so satisfactory. Ceiling prices on wool have been held down in the face of increased costs of production while, in the public lands States, grazing authorities of both the Department of Agriculture, through the United States Forest Service, and the Department of the Interior, through the Grazing Service, have indicated a positive desire to increase the fees paid by producers for grazing upon the forest reserves and the grazing districts. The net result of this uncertain, not to say contradictory Government policy, has been an accelerating liquidation of domestic flocks. It is now estimated that the 1946 clip in the United States will not be more than 300,000,000 pounds as against a normal prewar clip of approximately 450,000,000 pounds. The numbers of breeding sheep in the United States have declined approximately 25 percent since 1942.

It is thus evident that the time has come for Congress and the executive arm of this Government to develop a constructive policy with respect to wool. We cannot be less considerate of the American producers than our British cousins are of the Dominion producers. It would seem that this is the appropriate time for the Government of the United States to announce such a policy, for the terms and conditions of an American loan to Great Britain of large proportions are now under active consideration by the representatives of the two governments.

This special Senate committee, recognizing the importance of the problem, has invited not only the representatives of Government agencies which have jurisdiction over matters affecting the wool industry, but the representatives of all branches of the domestic wool industry to assemble here to give consideration to the development of a constructive United States policy. One thing seems to be clear, namely, that in the face of a world surplus of wool our greatest need is to seek ways and means of expanding the market. It is by finding broader uses of wool, that is to say, by increased consumption, that we can best attack the disposal of the huge surplus. The British conferees who worked out the British wool program have estimated that it will take 13 years from June 30, 1945, to eliminate the present stock.

Wherever we turn we are confronted with surpluses, whether it be with respect to war facility plants built by this Government to supply the United Nations with the materials of war or agricultural commodities like wool. Heretofore we have attacked this problem by the restriction of production if not by the actual destruction of the commodities themselves and this has been done in the face of the acknowledged fact that by far the great majority of the people of the world are still unable to purchase the commodities which they need to maintain a decent standard of living. The State Department in its negotiations with foreign countries may well consider ways and means

of urging foreign governments to stimulate living standards abroad so that the United States will not be called upon to continue to absorb world surpluses to the disadvantage of American producers.

The question, however, is presented not only to Government, but also to industry, what can be done to increase the consumption? What can be done to make it possible for people here and everywhere to secure and use more of the commodities which we are so clearly capable of producing?

What can the manufacturers of wools do to promote the use of wool and particularly what can American manufacturers do to help the American producer stabilize his market at a level that will enable him to meet the cost of production? What can the wool trade do to promote this objective? By the suggestions which are offered here before this Senate committee and the assembled representatives of Government it surely will be possible to develop an American wool policy.

REORGANIZATION OF GOVERNMENT AGENCIES

The Senate resumed the consideration of the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

The PRESIDING OFFICER (Mr. TAYLOR in the chair). The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. SMITH] in the nature of a substitute for the committee amendment, as amended.

Mr. MURDOCK. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. SMITH. Mr. President, I wish to speak briefly on the distinction between the committee amendment and the amendment in the nature of a substitute which I offered last Friday.

The committee amendment was prepared on the theory that very limited power should be given to the President, within certain well-defined channels and with a number of exceptions, to present a reorganization plan to the Congress for its action. The committee amendment also provided that after a period of 60 days, if the plan were not vetoed, by concurrent resolution of both Houses, it would become law. Objection was made to the committee amendment from two different standpoints, and it was because of those objections that I offered my amendment as a substitute, in order to meet all the objections which have been made to the committee amendment.

My substitute simply provides that the President shall submit a reorganization plan, and it limits him in no way as to the field he shall cover or the executive departments he shall include, and on the other hand, in order to make the procedure constitutional and to preserve our congressional legislative power, it provides that such a plan, in order to go into effect and to become law, must have the affirmative approval of Congress by means of a joint resolution passed by both the House of Representatives and the Senate.

That, briefly stated, is the alternate plan which, if adopted, will save us all the confusion which now has been brought about by the committee proposal with all the exceptions and amendments which have been offered and all the en-

deavors which have been made to curtail the President's initiative, and to surround him with all sorts of limitations and difficulties in proposing his program. At the same time, my substitute also obviates the constitutional objection, namely, that legislation cannot be enacted without the affirmative action of both Houses of Congress. It seems to me that if the Members of the Senate will recognize the simplicity of the substitute proposal and adopt it, it will be possible to move immediately in the direction of a worthwhile reorganization plan, and bring about expeditious action upon it.

It has been suggested to me today, Mr. President, that there are two objections to my plan. One is that my proposal specifies no date before which the President shall submit his plan. If an amendment providing for a deadline when the President shall submit his plan is offered, I shall be very glad to have it included in my amendment. The other suggestion is that my substitute fails to provide a way by which the reorganization plan, after it has been submitted to the Congress by the President and has been referred to a committee, shall automatically get out of the committee, in the event it becomes buried there. I shall be very glad to have that point taken care of by providing that after a certain number of days a plan which has been referred to a committee shall automatically be returned to the Senate.

In brief, Mr. President, my amendment in the nature of a substitute provides, first, that the Congress shall approve a reorganization plan submitted by the President by regular constitutional process, involving positive legislative action taken by both Houses of Congress; and, above all, my plan will give the President a free hand to tell the Congress exactly how he believes the executive branch of Government should be reorganized. That is the difference between the committee plan and the plan I have proposed.

Mr. TUNNELL. Mr. President, will the Senator yield to me?

Mr. SMITH. I yield.

Mr. TUNNELL. Does the Senator from New Jersey contend that the President does not now have the right to submit to Congress such a reorganization plan, without having the Congress take any action at this time?

Mr. SMITH. That point was raised Friday. Of course, the President does have the right to submit a reorganization plan at this time, but we all realize that over a period of years no President has done so.

Mr. TUNNELL. The Senator's proposal would give the President additional authority in that respect; would it?

Mr. SMITH. My substitute would call upon the President from time to time to determine whether reorganization in the executive branch of Government is necessary and, if it is found to be necessary, to submit a reorganization plan to the Congress.

Mr. TUNNELL. Yes; and it would leave the country where it now is; would it not?

Mr. SMITH. No; I do not think it would leave the country where it now is,

because it calls upon the President to submit a plan to the Congress, and in title II provides special machinery whereby the House of Representatives and the Senate can expedite action on the plan, whereas under the usual procedure there would be all the ordinary delays incident to the enactment of legislation.

I am convinced that my substitute proposal will result in securing reorganization under a plan submitted by the President. Without the adoption of my proposal, I think no such reorganization would be secured.

Mr. President, I believe the yeas and nays have been ordered on my amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. MURDOCK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Austin	Gurney	Morse
Ball	Hart	Murdock
Barkley	Hatch	Myers
Bilbo	Hayden	O'Mahoney
Bridges	Hickenlooper	Radcliffe
Buck	Hill	Reed
Butler	Hoey	Revercomb
Byrd	Huffman	Robertson
Capper	Johnson, Colo.	Russell
Carville	Johnston, S. C.	Shipstead
Chavez	Knowland	Smith
Connally	La Follette	Taft
Cordon	Lucas	Taylor
Donnell	McCarran	Thomas, Okla.
Downey	McClellan	Tunnell
Eastland	McFarland	Tydings
Ellender	McKellar	Vardenberg
Fulbright	McMahon	Walsh
George	Maybank	White
Gerry	Mead	Wiley
Green	Mitchell	Wilson
Guffey	Moore	

The PRESIDING OFFICER. Sixty-five Senators have answered to their names. A quorum is present.

Mr. BARKLEY. Mr. President, inasmuch as I am compelled to attend a hearing at 2 o'clock, and may not be able to vote on the pending amendment, I wish to express briefly my views with reference to it.

I am opposed to any amendment which requires affirmative action on the part of Congress, by joint resolution or otherwise, before any reorganization ordered by the President may take effect. I would vote for an amendment which would eliminate all exemptions from the pending bill and leave the matter entirely to the President. I would do that no matter who the President might be, because I think we can trust any man who has been elected President of the United States, or who becomes President under our constitutional processes, to have the interest of the country at heart. I think that we can also trust him to have more inside information with reference to the workings of the various departments than we can have as Members of Congress.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. BARKLEY. I have only a minute in which to complete what I wish to say, if the Senator will permit me to conclude my statement.

Mr. President, what I have said was without any reflection upon the Congress, because in the very nature of things the President must be more intimately associated with the departments over which he presides as Chief Executive than are we, the Members of Congress.

I feel that if the amendment which has been offered by the Senator from New Jersey [Mr. SMITH] were agreed to it would take us right back to the original proposition that Congress should reorganize the Government. I do not believe that Congress either will or can reorganize the Government. If it had the time to devote a whole session to the subject, without being burdened by any other considerations, it might be able to perform the task. But with all the multitude of duties which burden us and which are on our doorsteps all the time, it is impossible for Congress to reorganize the departments of Government.

I was a member of a special committee on reorganization which was appointed in 1939, of which the former Senator from South Carolina, now the Secretary of State, Mr. Byrnes, was the chairman. As a result of our hearings and our deliberations in connection with the reorganization of the Government, temporary and partial reorganization legislation was enacted. I am convinced that the only way to reorganize effectively the Government is to authorize the President, who is the head of all the departments of the Government, to do so. If he does so in a way which Congress does not approve, then Congress, by joint resolution, should have the right to disapprove. I understand that to be the proposal contained in the pending bill if the amendment of the Senator from New Jersey is not adopted. Therefore, while I would vote for an amendment offered by any Senator to eliminate all exemptions—even those contained in the House bill—from the proposed legislation, inasmuch as the pending amendment of the Senator from New Jersey is coupled with the provision that any plan for reorganization which the President may submit must be affirmatively approved by a joint resolution of the two Houses before it can become effective, I am compelled to register my opposition to it.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. SMITH. I wish to point out to the Senator that according to the bill which he is supporting, which provides that the President may submit a plan the rejection of which would require a resolution of both Houses, the President and one House alone could put a plan into effect even if every Member of the Senate objected to it. I feel that that is unconstitutional, entirely aside from the unwise policy involved. I agree fully with the Senator that the President is the one who should propose a reorganization plan, and that is why I have eliminated, through my amendment, every restriction which might be placed upon him. He would be free to tell us what kind of a plan he wants, but I insist that after the plan has been presented it should be

within our constitutional power to say whether we will make it law.

Mr. BARKLEY. I understand the Senator's attitude. I do not impugn his good faith in any way. I am sure the Senator is sincere.

Mr. SMITH. I thank the Senator.

Mr. BARKLEY. I am not troubled about any suggested inhibitions because I think Congress has the power, under the Constitution, to authorize the President, or any agency which it may designate, to work out a reorganization of the Government departments. Congress created all of those departments in a rather haphazard way. It established them one at a time, and frequently without regard to coordination. Because of that fact we now have the topsy-turvy system about which we all complain constantly and about which we apparently are not willing to authorize anyone to do anything unless we reserve to ourselves the right to undo it by affirmative legislation. I do not believe in that method.

Mr. SMITH. May I ask the Senator a question?

Mr. BARKLEY. I yield, but I shall have to leave the Chamber very shortly.

Mr. SMITH. Is the Senator willing to accept the bill in the form in which it was reported by the committee, providing that if either House objects within the prescribed period—

Mr. BARKLEY. No; personally I would not accept it because I do not think we can legislate by a single House of the Congress of the United States.

Mr. SMITH. But we are legislating by a single House when we allow one House and the President to put into effect a plan.

Mr. BARKLEY. No; we are not legislating in that way. We are providing that once the President prepares a reorganization plan and submits it to Congress, unless Congress by appropriate legislation—and that means the action of both Houses—shall disapprove it, the plan shall go into effect.

Mr. SMITH. I am sorry to disagree with the distinguished Senator.

Mr. BARKLEY. That is the logical constitutional method by which the Congress can declare its attitude with respect to the matter.

Mr. President, I am sorry that I am now compelled to leave.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. SMITH] as a substitute for the committee amendment as amended. The yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. WHITE (when Mr. SALTONSTALL's name was called). I announce the unavoidable absence of the Senator from Massachusetts [Mr. SALTONSTALL] because of a temporary and slight illness. I am authorized to say that if present he would vote "yea" on the pending amendment.

The roll call was concluded.

Mr. BUTLER. I have a general pair with the Senator from Alabama [Mr. BANKHEAD]. Not knowing how he would

vote, I transfer that pair to the Senator from Indiana [Mr. WILLIS], and vote "yea."

Mr. BRIDGES. I have a general pair with the Senator from Utah [Mr. THOMAS]. I transfer that pair to the junior Senator from Massachusetts [Mr. SALTONSTALL], and vote "yea."

Mr. REED (after having voted in the affirmative). I have a general pair with the senior Senator from New York [Mr. WAGNER], who was in the Chamber a while ago, and I assumed he was still here. I see he is not now present. I therefore transfer the pair which I have with him to the junior Senator from Illinois [Mr. BROOKS], and allow my vote to stand.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from West Virginia [Mr. KILGORE] are absent from the Senate because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Missouri [Mr. BRIGGS], the Senator from Louisiana [Mr. OVERTON], and the Senator from Utah [Mr. THOMAS] are necessarily absent.

The Senator from Florida [Mr. PEPPER] is absent on official business.

The Senator from Texas [Mr. O'DANIEL], the Senator from Tennessee [Mr. STEWART], the Senator from New York [Mr. WAGNER], and the Senator from Montana [Mr. WHEELER] are detained on official business at Government departments.

The Senator from Washington [Mr. MAGNUSON] is a delegate to the American Legion convention in Chicago, and is therefore necessarily absent.

The Senator from Montana [Mr. MURRAY] is attending the conference in London to consider the creation of an educational and cultural organization of the United Nations.

I am advised that if present and voting, the Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], the Senator from Missouri [Mr. BRIGGS], the Senator from West Virginia [Mr. KILGORE], the Senator from Washington [Mr. MAGNUSON], the Senator from Montana [Mr. MURRAY], the Senator from Louisiana [Mr. OVERTON], the Senator from Florida [Mr. PEPPER], the Senator from Tennessee [Mr. STEWART], the Senator from Utah [Mr. THOMAS], and the Senator from New York [Mr. WAGNER] would vote "nay."

Mr. WHITE. The Senator from Vermont [Mr. AIKEN] has been excused until November 20 for reasons heretofore stated.

The Senator from Maine [Mr. BREWSTER] and the Senator from Michigan [Mr. FERGUSON] are detained at a meeting of the Pearl Harbor Investigating Committee.

The Senator from Illinois [Mr. BROOKS] and the Senator from North Dakota [Mr. LANGER] are members of the Senate committee attending the funeral of the late Senator Thomas of Idaho. The Senator from Illinois would vote "yea" if present.

The Senator from Indiana [Mr. CAPEHART] is unavoidably absent because of injuries resulting from an accident.

The Senator from South Dakota [Mr. BUSHFIELD], the Senator from New Jersey [Mr. HAWKES], the Senator from Colorado [Mr. MILLIKIN], the Senator from New Hampshire [Mr. TOBEY], the Senator from Nebraska [Mr. WHERRY], the Senator from Indiana [Mr. WILLIS], and the Senator from North Dakota [Mr. YOUNG] are necessarily absent. The Senator from New Jersey [Mr. HAWKES], the Senator from South Dakota [Mr. BUSHFIELD], and the Senator from North Dakota [Mr. YOUNG] would vote "yea" if present.

The result was announced—yeas 25, nays 40, as follows:

YEAS—25		
Austin	Hickenlooper	Smith
Ball	Knowland	Taft
Bridges	La Follette	Tydings
Butler	Moore	Vandenberg
Capper	Morse	White
Cordon	Reed	Wiley
Donnell	Revercomb	Wilson
Gurney	Robertson	
Hart	Shipstead	
NAYS—40		
Barkley	Guffey	Maybank
Billbo	Hatch	Mead
Buck	Hayden	Mitchell
Byrd	Hill	Murdock
Carville	Hoey	Myers
Chavez	Huffman	O'Mahoney
Connally	Johnson, Colo.	Radcliffe
Downey	Johnston, S. C.	Russell
Eastland	Lucas	Taylor
Ellender	McCarran	Thomas, Okla.
Fulbright	McClellan	Tunnell
George	McFarland	Walsh
Gerry	McKellar	
Green	McMahon	
NOT VOTING—29		
Aiken	Glass	Saltonstall
Andrews	Hawkes	Stewart
Bailey	Kilgore	Thomas, Utah
Bankhead	Langer	Tobey
Brewster	Magnuson	Wagner
Briggs	Millikin	Wheeler
Brooks	Murray	Wherry
Bushfield	O'Daniel	Willis
Capehart	Overtton	Young
Ferguson	Pepper	

So Mr. SMITH's amendment in the nature of a substitute for the amendment of the committee as amended was rejected.

Mr. TAFT. Mr. President, I offer an amendment, which I send to the desk.

The PRESIDING OFFICER (Mr. MITCHELL in the chair). The amendment will be stated.

The LEGISLATIVE CLERK. On page 18, in line 12, it is proposed to strike out "is hereby repealed", and insert "is hereby amended by striking out the words 'upon the termination of this title' and inserting the words 'on July 1, 1947.'"

Mr. TAFT. Mr. President, I offer this amendment in behalf of the junior Senator from Michigan [Mr. FERGUSON] who is unable to be present.

On the 18th page of the bill appears this cryptic sentence:

Sec. 8. The second paragraph of section 5 of title I of the First War Powers Act, 1941 (55 Stat. 838), being the last sentence of the said title I, is hereby repealed.

Turning to the First War Powers Act, we find that we gave the President power to reorganize departments, with some limitations, without any reference to Congress whatsoever. The President

has exercised that power throughout the war. Under the First War Powers Act it is provided that at the expiration of war all the departments in which changes have been made shall go back to the condition in which they were before the war.

The effect of the proposed section 8 is to provide that the changes made shall continue forever, although never submitted to the Congress. The effect of my amendment is to provide that they shall continue until July 1, 1947, the last date upon which the President may act under the proposed law. In other words, he will have full opportunity to submit a reorganization plan making the changes permanent if he wishes to do so, and then Congress will have a chance to veto the plan if it desires to do so.

Mr. President, it seems to me this is a reasonable way in which to handle the matter. Many of the changes in the Government set-up were made solely for war purposes. We granted the President the power only with the idea that they should be made for war purposes. It seems to me that now it is proper for us to say that the President may make the changes permanent, under the proposed reorganization law, if he wishes to do so, but if he does not do so by the 1st of July 1947, when his powers under the proposed law will expire, the departments shall revert to their prewar status.

I hope the Senator in charge of the bill may feel that this is a reasonable method of handling the situation. It seems to me we did not intend to make the war changes permanent changes in the Government.

Mr. MURDOCK. Mr. President, it seems to me the amendment offered by the Senator from Ohio is strictly in line with the philosophy of the bill. I agree that the changes in organization of the executive departments which have been made under the First War Powers Act would become permanent, under the language of the bill, without ever being referred back to the Congress. Under the amendment now offered by the Senator from Ohio proposed changes would be referred back to the Congress, and the time would be identical with the time provided in the pending bill.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. HATCH. I merely wanted to ask the Senator from Utah if it is not correct to say that there was no intention in the committee to take affirmative action to make these war agencies permanent. There was the intention to bring them within the general reorganization plan. Is that correct?

Mr. MURDOCK. I think the Senator's statement is correct.

Mr. HATCH. And there is then no conflict between the intention of the committee and the purpose of the amendment.

Mr. MURDOCK. I can find no objection at all to the amendment and, so far as I am concerned, I am perfectly willing to have it go to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. TAFT].

The amendment was agreed to.

The PRESIDING OFFICER. The committee amendment, as amended, is open to further amendment.

Mr. SMITH. Mr. President, on behalf of the Senator from Michigan [Mr. FERGUSON] and for myself I offer an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment to the committee amendment will be stated.

The CHIEF CLERK. In the committee amendment, beginning on page 19, line 15, it is proposed to strike out all down to the end of the bill and in lieu thereof to insert the following:

SEC. 203. A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be. The committee shall have 10 days in which to consider and report out the resolution. If the resolution is not reported out by the committee within such 10 days, the committee shall be deemed to have been discharged from the further consideration of the resolution. On the eleventh day after the referral to the committee of the resolution, it shall become the special order with precedence over any unfinished business. Not later than 1 hour after the House in which such resolution is pending meets on the first day on which it meets following the nineteenth day (Sundays excepted) after the day on which the resolution was introduced, a vote shall be taken in that House on the question of the adoption of the resolution. The resolution shall be debatable up to the time specified above for the taking of the vote, and the time shall be equally divided between those favoring and those opposing the resolution. No notice or motion to reconsider any vote upon the resolution shall be in order. The procedure provided by this section shall not be applicable with respect to a second resolution relating to the same reorganization plan. In any case in which two or more resolutions with respect to the same reorganization plan are introduced in the same House on the same day, only one resolution with respect to such reorganization plan shall be deemed to have been introduced in that House on that day and such one resolution shall be considered to have been introduced jointly by the sponsors of the separate resolutions relating to such reorganization plan.

Mr. SMITH. Mr. President, just a word respecting this substitute in title II covering procedure. Briefly stated, if the veto resolution is sent to a committee, the amendment simply makes it automatic that the resolution shall come back to the Senate floor, so that it cannot be buried in committee. The danger in this type of legislation is that a resolution may be buried in committee, and the President's reorganization plan may become law without action by either House. The resolution at least should come back to the floor without having to be voted out of committee. The amendment simply deals with a question of procedure, which the Senator from Michigan and I thought should be embodied in negative legislation of this type. If the President presents a plan, then within 60 days after the plan is presented it goes into effect should there be no action by either House. The danger is that the plan might be buried in committee with no chance for either House to vote. The amendment deals with the question of

procedure. It would simply bring the resolution back on the floor automatically. That is what we are proposing by the amendment.

Mr. MURDOCK. Mr. President, while the amendment offered by the Senator from New Jersey on behalf of himself and the Senator from Michigan [Mr. FERGUSON] contains automatic features, and may in some respects be preferable to the procedure provided for in the bill, it is my opinion that the amendment has not been thoroughly thought out, and it is subject in my humble opinion to considerable criticism from that angle.

I point out one thing in particular. Let us suppose that at the expiration of the 10 days the resolution automatically comes from the committee. The amendment provides that it shall then become the pending business before the House or Senate and shall be debatable for 10 days. The 10-day period is to be divided, as I understand, equally between the opposing parties. But there is nothing in the amendment at all that would preclude extraneous debate entering into the picture and excluding entirely debate on the resolution which would be before the Senate. The present method of procedure was worked out in the 1939 act, and has been found to operate quite efficiently, and the House has agreed to it. It does much less violence to the rules of the two Houses than the proposed amendment, and in my opinion it would be a mistake for the Senate hurriedly to adopt the amendment instead of adopting the language of the pending bill. I hope the amendment will be voted down.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. SMITH] on behalf of himself and the Senator from Michigan [Mr. FERGUSON] to the committee amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The committee amendment, as amended, is open to further amendment.

Mr. BYRD. Mr. President, I should like to ask the distinguished Senator from Utah a question, and at the same time to compliment him on the very able way in which he has handled the pending legislation. I ask the Senator to turn to the bottom of page 11. Section 2 on page 10 provides:

No reorganization plan under section 4 shall provide for, and no reorganization under this act shall have the effect of—

Then at the bottom of page 11—

(h) divesting any quasi-judicial agency of the means, right, or power to exercise independent judgment and discretion, to the full extent authorized by law, in the performance and effectuation of its quasi-judicial, investigative, or rule-making functions; or

And at the top of page 12:

(1) increasing the term of any office beyond that now provided by law for such office.

I was wondering if the Senator could tell us what changes that language would effect. It seems to me that is a more or less wholesale exemption of any agencies that perform quasi-judicial functions, or are engaged in investigative or rule-

making functions, which is, as I see it, a very broad latitude.

Mr. MURDOCK. The thought of the Senate committee, I may inform the Senator, was that any quasi-judicial agency in exercising quasi-judicial functions or rule-making functions should be absolutely independent of, say, a Cabinet officer. The purpose of the committee was that in the event a quasi-judicial agency which is now independent should be placed under a Cabinet officer, notwithstanding that fact the Cabinet officer should in no way interfere with the absolute independence of the quasi-judicial functions or the rule-making functions of such agency.

Mr. President, if subparagraph (h) of section 2 is left in the bill I believe there is a possibility in conference to make the language more definitive, to restrict its meaning, so that it will not have the broad scope it has now, and that we may be able to rewrite subparagraph (h) in such a way that some of the exemptions, or many of them, may be eliminated from the bill, and that full protection may be afforded under the language that may be developed in conference.

Mr. BYRD. Is it the interpretation of the Senator, then, that any agency engaged in quasi-judicial investigative or rule-making functions is exempted from the bill?

Mr. MURDOCK. No; I do not think that is a fair construction of the language. It may be well to read it.

Mr. BYRD. It seems to me that the provision could be couched in more appropriate language. It seems to me to be ambiguous.

Mr. MURDOCK. Let us take the Department of Agriculture. We find in that Department the Forest Service, which certainly could be defined under this language as a quasi-judicial agency. In the Department of the Interior we find the General Land Office, which is constantly rendering quasi-judicial decisions respecting land matters.

Mr. BYRD. Suppose the President wanted to recommend the abolition of an office. Let us take the OPA. That is certainly a quasi-judicial agency in the making of all kinds of decisions. The language is:

Divesting any quasi-judicial agency.

If the OPA is abolished it would certainly be divested of the right of doing these things.

Mr. MURDOCK. I think the abolition of an agency would not be precluded by this language.

Mr. BYRD. Could not the Senator, who is a very able lawyer—

Mr. MURDOCK. I thank the Senator.

Mr. BYRD. Draft a provision which would be clearer? I hesitate to vote for the bill if there is a possibility that that provision would exempt a great number of agencies, because nearly all the agencies of the Government make rules and regulations and have the power of investigation, and so forth. I have a list of such agencies given to me by the Bureau of the Budget. It construes the language to mean that quite a number of agencies would be exempted from the bill if passed in its present form.

Mr. MURDOCK. I doubt that the language is sufficient to exempt an agency. The whole purpose of it is to protect an agency in its independence of functions, so far as quasi-judicial functions and rule making are concerned.

Mr. BYRD. I have no desire to protect these bureaus in the matter of authority which they have frequently usurped and taken to themselves with respect to making rules and regulations. That is something in which there has been a great abuse. I do not want to disturb the Senator by offering an amendment, but I do think there ought to be some way to clarify that provision.

Mr. MURDOCK. I agree with the Senator from Virginia that the language is now too broad in scope, and I am hopeful of improving and correcting it in conference; but I may say to him that I am not ready at this time intelligently to deal with the question.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. HATCH. I wish to comment briefly on the amendment, because the question arose at a time when I was present in the subcommittee. It was explained by the chairman of the committee [Mr. McCARRAN] in this way, as I recall it—and I am sure that this is the interpretation which I obtained at the time as to what was intended by the amendment.

First of all, it was not intended to curtail to any degree whatever the President's power to reorganize the agencies as contemplated by the bill. He could abolish functions and make the reorganization just the same as though the amendment were not in the law. But it was intended that with respect to any such agencies as remained which exercised discretion and judgment, there should be nothing in the plan which would permit any interference with the independent exercise of the discretion and judgment vested in them by law. Frankly, I do not see how a reorganization plan could contain such a thing.

Mr. BYRD. Mr. President, the Senator from New Mexico is satisfied with the provision. I am not a member of the committee, and did not hear the argument, but it seems to me that there is a loophole by which many agencies might claim exemption from the Reorganization Act.

Mr. HATCH. I was satisfied with the explanation.

Mr. BYRD. But the explanation is not in the bill. We are voting on certain specified language. The Senator is an able lawyer, and I should like to have him read it and see whether he thinks it exempts quite a number of agencies which are now performing various quasi-judicial, investigative, or rule-making functions.

Mr. HATCH. I do not think it exempts them, but I say that if there is any doubt whatever, I join with the Senator from Utah in saying that the language should be clarified, and it should be made certain that it is not intended as an exemption of all agencies.

Mr. BYRD. The Senator from Utah and the Senator from New Mexico are

taking a great interest in this subject. Apparently they are satisfied that the language can be changed in conference so as to make it do what it is intended to do.

Mr. HATCH. I am sure it can.

Mr. MURDOCK. I feel that it can.

Mr. O'DANIEL. Mr. President, I have received a telegram from Dallas, Tex., signed by several bankers. I should like to read it. It is as follows:

HON. W. LEE O'DANIEL,
*United States Senator From Texas,
Senate Office Building,
Washington, D. C.*

It has been called to our attention that the President under the bill which has just passed the House would have the power to abolish the Comptroller's office. This in our opinion would be a very serious mistake. It would place the examination of banks under the Federal Reserve Banking System which would place that institution in a dual position. In a crisis who would they protect, the Federal or the public? The Comptroller's office does not cost the Government anything. The expenses are paid by the banks of this Nation. The Comptroller's office is the only independent agency to which the banks of the country can turn for advice. We hope that when this bill is presented to the Senate that you will so amend it that the President will not have the power to place the banking system of this Nation into politics or destroy the only avenue of the country banks of this Nation. The Comptroller's office reports only to the President of the United States, therefore it is the only independent agency now in force open to the country banks of this Nation.

NATHAN ADAMS.
J. B. ADOUE, JR.
FRED F. FLORENCE.
P. B. GARRETT.
DE WITT T. RAY.
J. C. TENISON.
R. L. THORNTON.

Mr. President, I should like to see the reorganization bill go to the President with no exemptions whatever, permitting the President to reorganize the executive branch of the Government and submit his reorganization plan to both Houses of Congress for ratification, or rejection. But inasmuch as the bill now contains exemptions for 13 or 14 different agencies, and inasmuch as these bankers in Dallas, Tex., seem worried about the authority granted by the bill to abolish the Bureau of the Comptroller of the Currency, unless I can have some assurance from those who are handling the bill that the Bureau of the Comptroller of the Currency is not to be abolished in the reorganization, I should like to include that agency in the exemptions.

Mr. MURDOCK. Mr. President, does the Senator propound the question to me?

Mr. O'DANIEL. I propound the question to the able Senator from Utah as to whether or not, in his opinion, there is any possibility of abolishing the Bureau of the Comptroller of the Currency.

Mr. MURDOCK. Of course, the Senator from Utah is not in a position to say what the President of the United States may do. But, in my opinion, the President of the United States, coming from a small town himself, is going to guard just as jealously as any Senator or any Member of the House against anything

that would interfere with our country banks.

We have in the Government today the Federal Reserve System, handling banks. We have the Comptroller of the Currency handling certain functions in connection with our banks. We have the Treasury Department handling certain other functions, and we have the Federal Deposit Insurance Corporation handling still other functions. It is my opinion that, if there is any part of our Government which needs looking into for the purpose of coordination and reorganization, it is the agencies which handle our banking system. A representative of the FDIC, in the person of Mr. Crowley, appeared before our committee and made the same plea. He said, "If you do not exempt us, you will destroy the small banks of the country." Now we have the same argument used with respect to the Comptroller of the Currency. It is all done in behalf of the small banks.

I come from a small town and all I know about banks is what I know about country banks. Certainly I do not wish to do anything which would in any way interfere with or imperil those banks. I am satisfied that the President of the United States does not wish to injure them in any way. So my answer to the Senator is that, even without exempting the Comptroller of the Currency, we can rest assured that nothing will happen under the present Chief Executive which will in any way be injurious to the country banks. I hope that the Bureau of the Comptroller of the Currency will not be exempted. It is my opinion that there is plenty of room for coordination and reorganization in the agencies which handle our banks. But if we eliminate all of them, we go down the road with five different agencies of the Government all handling banks, all of which, except the Federal Reserve System, would be exempt so far as the reorganization bill is concerned.

Mr. O'DANIEL. As I understand, the Comptroller of the Currency handles not only the small banks of the Nation but audits the larger banks, the national banks.

Mr. MURDOCK. That is true, but I understood that the Senator's argument came from those speaking on behalf of the smaller banks.

Mr. O'DANIEL. No; they are speaking for the larger banks of the Nation. They do not desire a consolidation of governmental agencies when their interests are opposed to it. The Federal Reserve System is one agency. The Bureau of the Comptroller of the Currency is an entire different agency, which audits the national banks of the Nation. It would be a serious thing, as they view it, if the auditing of the records of national banks were taken away from this independent agency in the Treasury Department and placed in the Federal Reserve System. The bill as now written would make that possible. The President could do it, and in all good conscience he might think it was the thing to do. So these bankers are worried.

Mr. MURDOCK. The bankers appeared before our committee. Mr. Crowley appeared in behalf of the FDIC. As a

matter of the utmost caution the committee saw fit to exempt the FDIC; but it was my opinion that the argument made for the FDIC was a much better one than could be made for the exemption of the Bureau of the Comptroller of the Currency. It is my opinion that in any reorganization or coordination of agencies dealing with the banks we should not exempt all those agencies and permit them to go down the road just as they are today.

Mr. VANDENBERG. Mr. President, will the Senator from Texas yield to me?

Mr. O'DANIEL. I yield.

Mr. VANDENBERG. I am compelled to leave the Chamber to attend a committee meeting in a few moments.

Something which was said by the Senator from Utah impels me to leave this comment on the RECORD: The Senator from Utah has just stated that he thinks there is a better argument for exempting the FDIC than for exempting the other fiscal instrumentalities. I agree with him, and urge that no matter what happens, the FDIC should retain its exemption. I feel that even though no other bureau or agency were exempted, the FDIC ought to be exempted at the present time. In the final analysis, that is the steel beam underneath the popular confidence in our banking system. There is no doubt in the world that it was the FDIC which made it possible for us to sail through the past 10 difficult years without serious banking trouble. The American people are sleeping at nights in regard to their banks. Why? Primarily and fundamentally because of the FDIC.

Mr. President, I think it would be a tragic error to allow anything to be done with the FDIC which might even involve a discussion of what was going on in respect to a change in its set-up. We all know that it has been magnificently operated. It has been brought to the point where it has assets approximating \$1,000,000,000. It is economically managed. There is no necessity to worry about it from a reorganization standpoint; but fundamentally there would be reason to worry about any invitation to the American people to begin suspecting that anyone was starting to change in some fashion the set-up of the FDIC.

I thank the Senator from Texas for permitting me to make this suggestion. I hope that in the course of the discussion of the fiscal agencies and reorganization no one for an instant will think of even approaching a suggestion that the exemption of the FDIC shall not be maintained.

Mr. MURDOCK. Mr. President, will the Senator from Texas yield to me for a moment?

Mr. O'DANIEL. I yield.

Mr. MURDOCK. I should like to make a brief reply to the Senator from Michigan. I have known of the distinguished Senator's intense interest in the FDIC ever since I came to the Senate. I wish to say now that there is nothing which the Democratic administration, of which I have been a member, has done that I am prouder of than the enactment of legislation relating to our banks. As the Senator has stated, I think the outstanding achievement in banking legis-

lation has been the creation of the Federal Deposit Insurance Corporation. As the Senator has so eloquently stated, under the FDIC system the people are not worrying any more about the possibility of bank failures. So far as I recall, in the committee there was no opposition to having the FDIC exempted.

However, the Comptroller of the Currency, the Federal Reserve System, and the Treasury all have a hand in the examination and control of our banking system, and it seems to me we should not absolutely tie the President's hands in dealing with that situation. When we have exempted the FDIC, I think we have gone far enough.

Therefore, I hope the Senator from Texas will not offer his amendment.

Mr. HATCH. Mr. President, will the Senator from Texas yield to me?

Mr. O'DANIEL. I am glad to yield.

Mr. HATCH. I also must leave the Chamber, in order to attend a committee meeting. I have asked the Senator to yield to me because I also have received messages and telegrams concerning the exemption of the Bureau of the Comptroller of the Currency. In one of the messages the Senator from Texas read there was a statement similar to one contained in a message I have received, namely, that this bill in itself does not transfer the Bureau of the Comptroller of the Currency to the Federal Reserve System. The idea seems to prevail generally throughout the country that the bill itself will make that change. I arise now merely to state for the RECORD that there is nothing in the bill which will make any change in regard to the Bureau of the Comptroller of the Currency. So far as I know, it may or may not be that some persons think that Bureau should be under the Federal Reserve System; but I am quite sure that nothing in the bill would require such a change.

I thank the Senator for yielding to me.

Mr. O'DANIEL. I thank the Senator for his statement.

Of course, Mr. President, the measure under consideration certainly gives the President of the United States the authority to abolish the Bureau of the Comptroller of the Currency. In the opinion of the bankers who have telegraphed me and in the opinion of other bankers, the abolition of that Bureau would indeed be a calamity. If the national banks of the country were placed entirely under the jurisdiction of the Federal Reserve System, there would be no checks or balances; it would all be the Federal Reserve System.

I am wholly in accord with the statements which have been made here by the able and distinguished Senator from Michigan and the Senator from Utah regarding the exclusion of the Federal Deposit Insurance Corporation. If any agencies are excluded I think it is wise to exclude that agency from the reorganization plan, because it has certainly performed a worthwhile function in assuring the small depositors that their deposits are safe. But that assurance applies only to deposits of \$5,000 or less. There is no guaranty by the Federal Deposit Insurance Corporation for deposits of more than \$5,000. Many depositors have deposits exceeding \$5,000,

and they must be able to have confidence in someone or some agency with reference to the security of those larger accounts. They place that confidence in the national banks which hold their deposits. The national banks have a very good reputation. While they do not actually guarantee deposits in excess of \$5,000, their standing is such that in large measure they occupy the same position as that of the FDIC in guaranteeing the smaller deposits. I repeat, the people have confidence in the national banks of this country, and that confidence may be shaken if the Bureau of Comptroller of the Currency is abolished, and its duties of checking the national banks transferred to the Federal Reserve System.

Today there is some discussion relative to consolidating the Bureau of the Comptroller of the Currency with the Federal Reserve System. The bankers to whom I have referred think that would be a calamity, and therefore they have telegraphed me stating their reasons for urging the retention of the Bureau of the Comptroller of the Currency as an independent agency. Their position is that unless assurance can be given that the Bureau of Comptroller of the Currency will not be abolished by the reorganization plan, and amendment prohibiting the abolishment of that agency should be offered.

Inasmuch as I am unable to obtain such assurance I offer an amendment prohibiting the abolition of the Bureau of the Comptroller of the Currency, and I send the amendment to the desk and ask to have it stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 17, in line 20, after the comma, it is proposed to insert:

Bureau of the Comptroller of the Currency.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas to the committee amendment.

The amendment to the committee amendment was rejected.

THE PRESIDING OFFICER. If there be no further amendments to be proposed to the committee amendment, the question is on agreeing to the committee as amended.

The committee amendment, as amended, was agreed to.

Mr. MURDOCK. Mr. President, I now move that the Committee on the Judiciary be discharged from the further consideration of House bill 4129.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 4129) to provide for reorganizing agencies of the Government, and for other purposes.

Mr. MURDOCK. I now move that all after the enacting clause of House bill 4129 be stricken out, and that the committee amendment, as amended, of Senate bill 1120 be substituted therefor.

The motion was agreed to.

THE PRESIDING OFFICER. The question now is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. CORDON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Austin	Hart	O'Daniel
Ball	Hatch	O'Mahoney
Barkley	Hawkes	Radcliffe
Bilbo	Hayden	Reed
Brewster	Hickenlooper	Revercomb
Bridges	Hill	Robertson
Buck	Hoey	Russell
Bushfield	Huffman	Shipstead
Butler	Johnson, Colo.	Smith
Byrd	Johnston, S. C.	Stewart
Capper	Knowland	Taft
Carville	La Follette	Taylor
Chavez	Lucas	Thomas, Okla.
Connally	McCarran	Tobey
Cordon	McClellan	Tunnell
Dennell	McFarland	Tydings
Downey	McKellar	Vandenberg
Eastland	McMahon	Wagner
Ellender	Maybank	Walsh
Ferguson	Mead	Wheeler
Fulbright	Millikin	White
George	Mitchell	Wiley
Gerry	Moore	Wilson
Green	Morse	Ycung
Guffey	Murdock	
Gurney	Myers	

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, a quorum is present.

The question is, Shall the bill pass?

The bill (H. R. 4129) was passed.

The title was amended so as to read: "An act to provide for the reorganization of Government agencies and for other purposes."

Mr. MURDOCK. Mr. President, I move that the Senate insist on its amendment, ask for a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McCARRAN, Mr. HATCH, Mr. MURDOCK, Mr. FERGUSON, and Mr. REVERCOMB conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes, will be indefinitely postponed.

PRINTING OF MANUSCRIPT RELATING TO INCOME TAX LAWS OF MEMBERS OF ARMED FORCES OF WORLD WAR II

The PRESIDING OFFICER (Mr. MITCHELL in the chair) laid before the Senate House Concurrent Resolution 102, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the manuscript entitled "Questions and Answers Explanatory of the Federal Income Tax Law With Respect to Members of the Armed Forces of the United States in World War II" be printed with illustrations, as a public document, and that 12,000 additional copies shall be printed, of which 10,000 shall be for the House document room and 2,000 for the Senate document room.

Mr. HAYDEN. I move that the Senate concur in the concurrent resolution of the House.

Mr. WHITE. Will the Senator indicate just exactly what this is?

Mr. HAYDEN. The concurrent resolution authorizes the printing of a public document providing information for veterans with respect to income tax laws.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona.

The motion was agreed to.

LABOR-MANAGEMENT PROBLEMS—STATEMENT BY NATIONAL CATHOLIC WELFARE COUNCIL

Mr. MEAD. Mr. President, on November 18 a release covering the subject of labor-management problems was made public by the Most Reverend Karl J. Alter, bishop of Toledo, chairman of the social action department of the National Catholic Welfare Council.

I look with favor upon suggestions of this character which have to do with the development of advanced ideas in the field of labor-management relations. Because of the importance of this news release, and because of the originality of the suggestions which it contains, I should like to have it made part of the CONGRESSIONAL RECORD.

I wish to point out particularly two paragraphs which I think are very interesting. I read from the statement:

The suggestion grows out of two facts that hinder the settlement of labor disputes. One is the danger that if strikes of great magnitude occur, laws enforcing compulsory arbitration may ensue. That would be tragic. Voluntary arbitration is good, but compulsory arbitration is a long leap down the totalitarian road and is no help toward the proper settlement of disputes on either side. It will, in fact, not be accepted so long as the working people and the employers are Americans and believe in their dignity as sons of God.

The statement says further:

Our proposal is a modest one but one of far-reaching importance. It is that a method of fact-finding be set up to reinforce conciliation, arbitration, collective bargaining, and the attitude of the public toward any important labor dispute; * * * These boards would make the facts known. They would make no decision as to the dispute. They would present the facts to fortify the right side in a dispute.

Mr. President, this suggestion is built around the possibility of setting up fact-finding boards which would not be directly associated with the conciliation or the arbitration or the collective bargaining agency, but would be independent, separate, and distinct, and would bring out the facts after consultation with both sides to the dispute, or all sides to the dispute, and make the facts available to those who have to do with the work of arbitrating or mediating or conciliating disputes.

Mr. TYDINGS. Mr. President, will the Senator from New York yield?

Mr. MEAD. I am glad to yield.

Mr. TYDINGS. I was interested in the remarks of the Senator from New York about compulsory arbitration. From what study I have given the subject, compulsory arbitration is something which theoretically is very appealing, but as a practical solution would not be workable, for the very reason the Senator has mentioned, namely, it would

start a dictatorship if we compelled men on the one hand or industry on the other to do something which they thought would in the end bring ruin on either. I have come to the conclusion that, in spite of the appeal of compulsory arbitration, I do not believe forcible settlement can be achieved without potential liabilities which far outweigh any temporary advantages if that policy should be promulgated and continued.

However, there is one phase of the present labor difficulties about which I should like to see something constructive done. I do not know that I am accurate in my facts, but one gains the impression that when labor and management, through collective bargaining, enter into a contract, and management then breaks the contract, labor has the right to strike, and no one would want to take that right away from labor. On the other hand, if labor breaks its contract and refuses to work, so to speak, under the terms of a collective-bargaining agreement, there does not seem to be any redress for the owner of the plant, or the management. Has the Senator given any thought to that phase of the present difficulties?

Mr. MEAD. It is my opinion, which is substantiated by reports which are drifting into the public press, that that is one of the questions now being considered.

Of course, in all contractual obligations we naturally subscribe to the theory that, once a contract is made, it should be carried out by both parties; but there are many provisions in contracts which subject themselves to multitudinous interpretations, such as cost-of-living requirements, and failure on the part of the contractor to secure sufficient orders to keep his employees together.

Mr. TYDINGS. I do not think there is reasonable ground for difference of opinion, but let us suppose there are a thousand men in a plant, and, for the purposes of the illustration, let us suppose it is a closed shop, and that through collective bargaining a contract is entered into. Let us suppose that 200 men go on a strike unauthorized by the union, in other words, the union itself or its officials do not authorize the strike, but, so far as the company is concerned, the 200 men being in key positions, by striking have perhaps paralyzed the whole plant.

I think that in a case such as the one I have suggested, or one related to it, management is entitled to more protection than the present law gives it. I have noticed something along this line leaking out from the conference now taking place. Certainly if management were to declare a lock-out in violation of a contract it would be held up to censure, and properly so.

Mr. MEAD. Yes.

Mr. TYDINGS. If 200 men who have agreed not to strike because conditions are satisfactory go out on a strike, unless the union orders it, it seems to me management reciprocally should be entitled, in such a case, to some redress. There is a void in the law, so far as that phase of labor-management relations is

concerned. Does the Senator agree with me generally?

Mr. MEAD. I think generally the Senator's statement is correct, but he must remember that there are probably many difficulties which result in injustice to the workers, which have been perpetrated upon them by certain elements of the management class. For instance, it was my obligation to make an investigation of production in the automotive trade, and while on the surface it appeared that the workers were either slowing up or holding up war production, many acts of management could be advanced as reasons behind the work stoppage or slowing up. There are a thousand and one ramifications, but they are generally based upon the ideal condition the Senator presents. Throughout the war it was demonstrated in many cases that the labor leadership of the country came to the support of management in breaking so-called outlaw strikes, and in maintaining proper contractual relations.

Mr. TYDINGS. I agree with the Senator, and it is not an easy situation to handle. My point refers to cases where there is the right of collective bargaining, and management and labor enter into an agreement, and the union, which is the bargaining agent, does not consider the point raised, whatever the dispute may be, sufficient to warrant calling a strike or a real violation of the contract, and therefore it does not order a strike, but, nevertheless, a substantial number of employees strike anyway, indulging in what labor and management have frequently called wildcat strikes, and management stands helpless, even though the labor unions are cooperating with it trying to get the men back into the plant.

I do not believe it is fair to leave the situation in that shape. I have no solution to suggest, but I am hopeful that the present conference will devise one, because it has seemed to me that a case like that presents one of the justifiable complaints which management has had, namely, that if they enter into a contract with a union in good faith, make a hard and fast contract, and the union itself feels satisfied as a whole that the conditions are good, no group should be allowed to break a contract which was entered into for that group's protection.

Mr. MEAD. As I said before, we have had excellent demonstrations of the patriotic efforts of labor leaders to suppress outlaw strikes, such as the Senator has mentioned, especially during the war period. We also have information that this subject is now receiving attention by the labor-management conference. I am sure we are both concerned that no legislation shall be enacted which will in any way deny to the individual the economic freedom which should go with citizenship. That is, we cannot force an individual to sell his labor against his free will. Solution of the problem is difficult, but it occurs to me that by setting up a fact-finding board, such as that recommended in the press release of the National Catholic Welfare Council, there may be the possibility of an avenue of approach so that when the facts are developed, and are made known to both sides and to the public, the number of

strikes which do not carry with them the support of public opinion may be reduced to a minimum.

Mr. President, I will say that I really believe this is one of the most important domestic problems in our democracy, and I am glad to see that colleges and universities are taking up the subject and are organizing schools on management-labor relationships. I think it will result in a great deal of good. The Senator from Maryland will probably recall a recent utterance by Mr. Tobin, the president of the teamsters' union, in which he called attention to the fact that as a rule labor loses tremendously by strikes, except when it is absolutely necessary that they gain recognition, and thus, as sometimes happens, become able to eliminate a serious injustice that could only be eliminated by strikes.

I point out that it would be much better if these gains could be acquired without the economic losses which are sustained by the workers as a result of long-drawn-out strikes. So labor along with management is looking for the opportunity to settle difficulties in a more orderly manner than has been invoked in many cases in the past.

I think so highly of the statement because of the fact that it brings a new element of thought into the consideration of this problem, that I now ask to have it made a part of the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

WASHINGTON, November 18, 1945.

The following letter was sent today to the Honorable Lewis B. Schwellenbach, Secretary of Labor and to Judge Walter P. Stacy, chairman, Labor-Management Conference:

"The Department of Social Action of the National Catholic Welfare Conference wishes to make a suggestion to the Department of Labor of the United States and to the Labor-Management Conference.

"The suggestion grows out of two facts that hinder the settlement of labor disputes. One is the danger that if strikes of great magnitude occur, laws enforcing compulsory arbitration may ensue. That would be tragic. Voluntary arbitration is good, but compulsory arbitration is a long leap down the totalitarian road and is no help toward the proper settlement of disputes on either side. It will, in fact, not be accepted so long as the working people and the employers are Americans and believe in their dignity as sons of God.

"The other fact is that methods of conciliation and voluntary arbitration often lack that thorough knowledge of the facts underlying the disputes which normally is necessary for a just agreement or a just decision.

"Our proposal is a modest one but one of far-reaching importance. It is that a method of fact finding be set up to reinforce conciliation, arbitration, collective bargaining, and the attitude of the public toward any important labor dispute; that the fact finding be in the hands of a board representative of neither side of the dispute but representative of, as far as possible, impartial members of the public; that the President of the United States or the Secretary of Labor appoint them; that as many boards, national, regional, or local, be set up as are required to aid in the settlement of major disputes; that these fact-finding bodies be instructed to report quickly; and that they receive statements from both sides in the dispute and from other competent witnesses; and have available all the pertinent knowledge which the Federal or State governments possess.

These boards would make the facts known. They would make no decision as to the dispute. They would present the facts to fortify the right side in a dispute.

"Threats of major strikes now loom. Other strikes seem to be in the offing. Others will occur after this present period ends. We recommend this fact-finding procedure both for current disputes and for the future. The facts will furnish ground for just agreements in collective bargaining and just decisions in arbitration.

"We consider this proposal both as a way to help settle current disputes and as a permanent policy of the American Government and the governments of the States. We do not contemplate this procedure except in important cases.

"The usefulness of these boards depends upon their being established early in a dispute and upon the speed of their action. Delayed statements of fact would be calamitous.

"We think that there are enough honest and capable persons in our country to man these boards in the interest of the general good.

"Sincerely yours,

"KARL J. ALTER,

"Chairman, Social Action Department,

"N. C. W. C., Bishop of Toledo."

Mr. TYDINGS. Mr. President, will the Senator again yield?

Mr. MEAD. I yield.

Mr. TYDINGS. I think I am in general agreement with the philosophy of the Senator from New York on this particular matter, and likewise I have looked with a great deal of approval upon the recent statements of President Truman that one of the most dangerous things that could ever happen to labor would be for the Nation to have what might be called a national wage policy under which everyone's wages more or less would be fixed arbitrarily by the Federal Government. That might in the beginning appeal to labor, but in the end it would simply mean that jurisdiction would be taken of the whole field of wages, and if we ever adopt such a policy labor could not strike without striking against the law, and the law would be there until repealed. So when individuals are appealing to the administration that it fix a particular wage standard, so-called, they are giving hostages to fortune on the road to dictatorship, for the same reason the Senator advanced when he said that compulsory arbitration would also lead in that direction.

I am glad that the administration has not fallen into that error, because in my opinion labor eventually would be hurt more than anyone else if such a policy were carried into effect.

Mr. MEAD. If we set up the machinery for the settlement of disputes, if we give to the participants all the information and all the knowledge necessary for the effective settlement of disputes, and then if we maintain in this democratic country of ours real democracy in the settlement of industrial disputes based upon the freedom of the worker, I believe we will become the outstanding example to the industrial nations of the world.

FIRST SUPPLEMENTAL SURPLUS APPROPRIATION RESCISSION ACT, 1946

Mr. HAYDEN. Mr. President, I move that the Senate proceed to the consideration of House bill 4407, reducing certain appropriations and contract authoriza-

79TH CONGRESS
1ST SESSION

H. R. 4129

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 1945

Ordered to be printed with the amendments of the Senate

AN ACT

To provide for reorganizing agencies of the Government, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 TITLE I

4 SHORT TITLE

5 SECTION 1. This Act may be cited as the "Reorganiza-
6 tion Act of 1945".

7 NEED FOR REORGANIZATIONS

8 SEC. 2. (a) The President shall investigate the organiza-
9 tion of all agencies of the Government and shall determine
10 what changes therein are necessary to accomplish the follow-
11 ing purposes:

1 ~~(1)~~ to reduce expenditures and promote economy;
2 to the fullest extent consistent with the efficient operation
3 of the Government;

4 ~~(2)~~ to increase the efficiency of the operations of
5 the Government to the fullest extent practicable within
6 the revenues;

7 ~~(3)~~ to group, coordinate, and consolidate agencies
8 and functions of the Government, as nearly as may be,
9 according to major purposes;

10 ~~(4)~~ to reduce the number of agencies by consoli-
11 dating those having similar functions under a single
12 head, and to abolish such agencies or functions thereof as
13 may not be necessary for the efficient conduct of the
14 Government; and

15 ~~(5)~~ to eliminate overlapping and duplication of
16 effort.

17 ~~(b)~~ The Congress declares that the public interest de-
18 mands the carrying out of the purposes specified in subsec-
19 tion ~~(a)~~ and that such purposes may be accomplished in
20 great measure by proceeding immediately under the provi-
21 sions of this Act, and can be accomplished more speedily
22 thereby than by the enactment of specific legislation.

23 ~~(c)~~ It is the policy and expectation of the Congress
24 that the transfers, consolidations, and abolitions contained
25 in any reorganization plan under this Act shall accomplish

1 an over-all reduction of at least 25 per centum in the adminis-
2 trative costs of the agency or agencies affected by such plan.

3 REORGANIZATION PLANS

4 SEC. 3. Whenever the President, after investigation,
5 finds that—

6 (1) the transfer of the whole or any part of any
7 agency, or of the whole or any part of the functions
8 thereof, to the jurisdiction and control of any other
9 agency; or

10 (2) the abolition of all or any part of the functions
11 of any agency; or

12 (3) the consolidation of the whole or any part of
13 any agency, or of the whole or any part of the func-
14 tions thereof, with the whole or any part of any other
15 agency or the functions thereof; or

16 (4) the consolidation of any part of any agency
17 or the functions thereof with any other part of the
18 same agency or the functions thereof; or

19 (5) the abolition of the whole or any part of any
20 agency which agency or part does not have, or upon
21 the taking effect of the reorganizations specified in the
22 reorganization plan will not have, any functions,

23 is necessary to accomplish one or more of the purposes of
24 section 2 (a), he shall prepare a reorganization plan for the
25 making of the transfers, consolidations, and abolitions, as

1 to which he has made findings and which he includes in
2 the plan; and transmit such plan (bearing an identifying
3 number) to the Congress, together with a declaration that,
4 with respect to each transfer, consolidation, or abolition re-
5 ferred to in paragraph (1), (2), (3), (4), or (5) of this
6 section and specified in the plan, he has found that such trans-
7 fer, consolidation, or abolition is necessary to accomplish one
8 or more of the purposes of section 2 (a). The delivery to
9 both Houses shall be on the same day and shall be made
10 to each House while it is in session. The President, in his
11 message transmitting a reorganization plan, shall (i) state;
12 to such extent as he deems practicable, approximately the
13 reduction of expenditures, if any, which it is probable will be
14 brought about by the taking effect of the reorganizations
15 specified in the plan; and (ii) specify with respect to each
16 abolition of functions specified in the plan the statutory
17 authority for the exercise of such function.

18

OTHER CONTENTS OF PLANS

19

SEC. 4. Any reorganization plan transmitted by the
20 President under section 3—

21

(1) shall change, in such cases as he deems neces-
22 sary, the name of any agency affected by a reorgani-
23 zation; and the title of its head; and shall designate the
24 name of any agency resulting from a reorganization and
25 the title of its head;

(2) may include provisions for the appointment and compensation of the head and one or more assistant heads of any agency (including an agency resulting from a consolidation) if the President finds, and in his message transmitting the plan declares, that by reason of transfers and consolidations made by the plan, the responsibilities and duties of such head are of such nature as to require such action. The head so provided for may be an individual or may be a commission or board with two or more members. In the case of any such appointment the term of office shall not be fixed at more than four years, the compensation shall not be at a rate in excess of \$12,000 per annum, and, if the compensation is at a rate in excess of the highest per annum rate which, without specific authorization or appropriation therefor, can be assigned to any position under the Classification Act of 1923, as amended, the appointment shall be by the President, by and with the advice and consent of the Senate;

(3) shall make provision for the transfer or other disposition of the records, property (including office equipment), and personnel affected by any transfer, consolidation, or abolition;

(4) shall make provision for the transfer of such un-

expended balances of appropriations available for use in connection with any function or agency transferred or consolidated, as he deems necessary by reason of the transfer or consolidation for use in connection with the transferred or consolidated functions, or for the use of the agency to which the transfer is made, but such unexpended balances so transferred shall be used only for the purposes for which such appropriation was originally made;

~~(5)~~ shall make provision for winding up the affairs of any agency abolished.

LIMITATIONS ON POWERS WITH RESPECT TO REORGANIZATIONS

SEC. 5. ~~(a)~~ No reorganization plan shall provide for, and no reorganization under this Act shall have the effect of—

~~(1)~~ abolishing or transferring an executive department or all the functions thereof or establishing any new executive department; or

~~(2)~~ changing the name of any executive department or the title of its head, or designating any agency as "Department" or its head as "Secretary"; or

~~(3)~~ continuing any agency beyond the period authorized by law for its existence or beyond the time

1 when it would have terminated if the reorganization
2 had not been made; or

3 ~~(4)~~ continuing any function beyond the period
4 authorized by law for its exercise, or beyond the time
5 when it would have terminated if the reorganization
6 had not been made, or beyond the time when the agency
7 in which it was vested before the reorganization would
8 have terminated if the reorganization had not been
9 made; or

10 ~~(5)~~ authorizing any agency to exercise any func-
11 tion which is not expressly authorized by law.

12 ~~(b)~~ No reorganization plan shall provide for any
13 reorganization affecting any agency named below in this
14 subsection; except that this prohibition shall not apply to
15 the transfer to such agency of the whole or any part of, or
16 the whole or any part of the functions of, any agency not
17 so named. No reorganization contained in any reorganiza-
18 tion plan shall take effect if the reorganization plan is in
19 violation of this subsection. The agencies above referred
20 to in this subsection are as follows: Interstate Commerce
21 Commission, Federal Trade Commission, and Securities and
22 Exchange Commission. No reorganization plan shall affect
23 any provisions of the Railroad Retirement Acts, as amended,
24 or of subchapter B of chapter 9 of the Internal Revenue

1 Code, as amended, or of the Railroad Unemployment Insur-
2 ance Act, as amended, or of the Railway Labor Act, as
3 amended; nor shall any such plan affect any agency function-
4 ing pursuant to, or any function being performed pursuant
5 to, any of such Acts except functions of the Bureau of
6 Internal Revenue not related to subchapter B of chapter 9
7 of the Internal Revenue Code.

8 (c) No reorganization plan shall provide for a re-
9 organization affecting any agency named below in this sub-
10 section if it also provides for a reorganization which does not
11 affect such agency; except that this prohibition shall not
12 apply to the transfer to such agency of the whole or any part
13 of, or the whole or any part of the functions of, any
14 agency not so named. No reorganization contained in
15 any reorganization plan shall take effect if the reorganiza-
16 tion plan is in violation of this subsection. The agencies
17 above referred to in this subsection are as follows: Civil
18 Service Commission, Federal Communications Commission,
19 Federal Deposit Insurance Corporation, United States Tariff
20 Commission, and Veterans' Administration.

21 (d) No reorganization plan shall provide for any re-
22 organization which abolishes any civil function of the Engi-
23 neer Corps of the United States Army, or of its head, or
24 which vests any such civil function in any agency which is
25 not within the control and jurisdiction of the Department

1 of War; if such reorganization plan also provides for any
 2 reorganization not referred to above in this subsection; but
 3 this prohibition shall not apply to the transfer to such Corps
 4 of the whole or any part of, or the whole or any part of
 5 the functions of, any other agency. No reorganization con-
 6 tained in any reorganization plan shall take effect if the
 7 reorganization plan is in violation of this subsection.

8 ~~(c)~~ No reorganization specified in a reorganization
 9 plan shall take effect unless the plan is transmitted to the
 10 Congress before July 1, 1948.

11 TAKING EFFECT OF REORGANIZATIONS

12 SEC. 6. ~~(a)~~ The reorganizations specified in the plan
 13 shall take effect in accordance with the plan upon the
 14 expiration of the first period of sixty calendar days, of con-
 15 tinuous session of the Congress, following the date on which
 16 the plan is transmitted to it; but only if, between the date
 17 of transmittal and the expiration of such sixty-day period
 18 there has not been passed by the two Houses a concurrent
 19 resolution stating in substance that the Congress does not
 20 favor the reorganization plan.

21 ~~(b)~~ For the purposes of subsection ~~(a)~~—

22 ~~(1)~~ continuity of session shall be considered as
 23 broken only by an adjournment of the Congress sine
 24 die; but

1 ~~(2)~~ in the computation of the sixty-day period
2 there shall be excluded the days on which either House
3 is not in session because of an adjournment of more
4 than three days to a day certain; except that if a resolu-
5 tion ~~(as defined in section 102)~~ with respect to such
6 reorganization plan has been passed by one House and
7 sent to the other, no exclusion under this paragraph shall
8 be made by reason of adjournments of the first House
9 taken thereafter.

10 DEFINITION OF "AGENCY"

11 SEC. 7. When used in this Act, the term "agency"
12 means any executive department, commission, independent
13 establishment, corporation wholly or partly owned by the
14 United States which is an instrumentality of the United
15 States, board, bureau, division, service, office, officer, author-
16 ity, or administration, in the executive branch of the Gov-
17 ernment. Such term does not include the Comptroller
18 General of the United States or the General Accounting
19 Office, which are a part of the legislative branch of the
20 Government.

21 MATTERS DEEMED TO BE REORGANIZATIONS

22 SEC. 8. For the purposes of this Act any transfer, con-
23 solidation, abolition, designation, disposition, or winding up
24 of affairs, or provision for the appointment and compensation

1 of the head or assistant heads of an agency, referred to in
2 section 3 or 4, shall be deemed a "reorganization".

3 SAVING PROVISIONS

4 SEC. 9. (a) (1) Any statute enacted, and any regula-
5 tion or other action made, prescribed, issued, granted, or
6 performed, in respect of or by any agency or function trans-
7 ferred to or consolidated with any other agency or function
8 under the provisions of this Act, before the effective date of
9 such transfer or consolidation, shall, except to the extent
10 rescinded, modified, superseded, or made inapplicable by or
11 under authority of law, have the same effect as if such trans-
12 fer or consolidation had not been made; but where any such
13 statute, regulation, or other action has vested functions in
14 the agency from which the transfer is made under the plan,
15 such functions shall, insofar as they are to be exercised after
16 the transfer, be considered as vested in the agency to which
17 the transfer is made under the plan.

18 (2) As used in paragraph (1) of this subsection the
19 term "regulation or other action" means any regulation, rule,
20 order, policy, determination, directive, authorization, permit,
21 privilege, requirement, designation, or other action.

22 (b) No suit, action, or other proceeding lawfully com-
23 menced by or against the head of any agency or other officer
24 of the United States, in his official capacity or in relation

1 to the discharge of his official duties; shall abate by reason
2 of any transfer of authority, power, and duties from one
3 officer or agency of the Government to another under the
4 provisions of this Act, but the court, on motion or supple-
5 mental petition filed at any time within twelve months
6 after such transfer takes effect, showing a necessity for a
7 survival of such suit, action, or other proceeding to obtain
8 a settlement of the questions involved, shall allow the same
9 to be maintained by or against the head of the agency or
10 other officer of the United States to whom the authority,
11 powers, and duties are transferred.

12 UNEXPENDED APPROPRIATIONS

13 SEC. 10. The appropriations or portions of appropria-
14 tions unexpended by reason of the operation of this Act
15 shall not be used for any purpose, but shall be impounded
16 and returned to the Treasury.

17 PRINTING OF REORGANIZATION PLANS

18 SEC. 11. If the reorganizations specified in a reor-
19 ganization plan take effect, the reorganization plan shall be
20 printed in the Statutes at Large in the same volume as the
21 public laws, and shall be printed in the Federal Register.

22 TITLE II

23 SEC. 101. The following sections of this title are enacted
24 by the Congress:

1 (a) As an exercise of the rule-making power of the
 2 Senate and the House of Representatives, respectively, and
 3 as such they shall be considered as part of the rules of each
 4 House, respectively, but applicable only with respect to
 5 the procedure to be followed in such House in the case of
 6 resolutions (as defined in section 102); and such rules shall
 7 supersede other rules only to the extent that they are incon-
 8 sistent therewith; and

9 (b) With full recognition of the constitutional right of
 10 either House to change such rules (so far as relating to the
 11 procedure in such House) at any time, in the same manner
 12 and to the same extent as in the case of any other rule of
 13 such House.

14 SEC. 102. As used in this title, the term "resolution"
 15 means only a concurrent resolution of the two Houses of
 16 Congress, the matter after the resolving clause of which
 17 is as follows: "That the Congress does not favor the re-
 18 organization plan numbered transmitted to Congress
 19 by the President on ; 19 .", the blank
 20 spaces therein being appropriately filled; and does not include
 21 a concurrent resolution which specifies more than one re-
 22 organization plan.

23 SEC. 103. A resolution with respect to a reorganization
 24 plan shall be referred to a committee (and all resolutions

1 with respect to the same plan shall be referred to the same
2 committee) by the President of the Senate or the Speaker
3 of the House of Representatives, as the case may be.

4 SEC. 104. (a) If the committee to which has been re-
5 ferred a resolution with respect to a reorganization plan
6 has not reported it before the expiration of ten calendar days
7 after its introduction (or, in the case of a resolution received
8 from the other House, ten calendar days after its receipt),
9 it shall then (but not before) be in order to move either to
10 discharge the committee from further consideration of such
11 resolution, or to discharge the committee from further con-
12 sideration of any other resolution with respect to such
13 reorganization plan which has been referred to the committee.

14 (b) Such motion may be made only by a person favor-
15 ing the resolution, shall be highly privileged (except that it
16 may not be made after the committee has reported a resolu-
17 tion with respect to the same reorganization plan), and de-
18 bate thereon shall be limited to not to exceed one hour, to be
19 equally divided between those favoring and those opposing
20 the resolution. No amendment to such motion shall be in
21 order, and it shall not be in order to move to reconsider the
22 vote by which such motion is agreed to or disagreed to.

23 (c) If the motion to discharge is agreed to or disagreed
24 to, such motion may not be renewed, nor may another mo-

tion to discharge the committee be made with respect to any other resolution with respect to the same reorganization plan.

SEC. 105. (a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(b) Debate on the resolution shall be limited to not to exceed ten hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

SEC. 106. (a) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a reorganization plan, and all motions to proceed to the consideration of other business, shall be decided without debate.

1 ~~(b)~~ All appeals from the decisions of the Chair relating
 2 to the application of the rules of the Senate or the House of
 3 Representatives, as the case may be, to the procedure re-
 4 lating to a resolution with respect to a reorganization plan
 5 shall be decided without debate.

6 SEC. 107. If, prior to the passage by one House of a
 7 resolution of that House with respect to a reorganization
 8 plan, such House receives from the other House a resolution
 9 with respect to the same plan, then—

10 ~~(a)~~ If no resolution of the first House with respect to
 11 such plan has been referred to committee, no other resolution
 12 with respect to the same plan may be reported or ~~(despite~~
 13 the provisions of section 104 ~~(a)~~) be made the subject of a
 14 motion to discharge.

15 ~~(b)~~ If a resolution of the first House with respect to
 16 such plan has been referred to committee—

17 ~~(1)~~ the procedure with respect to that or other
 18 resolutions of such House with respect to such plan
 19 which have been referred to committee shall be the
 20 same as if no resolution from the other House with re-
 21 spect to such plan had been received; but

22 ~~(2)~~ on any vote on final passage of a resolution
 23 of the first House with respect to such plan the resolution
 24 from the other House with respect to such plan shall be

1 automatically substituted for the resolution of the first
2 House.

3 That this Act may be cited as the “Reorganization Act of
4 1945”.

5 TITLE I

6 *SEC. 1. (a) The President shall examine and from*
7 *time to time reexamine the organization of all agencies*
8 *of the Government and shall determine what changes therein*
9 *are necessary to—*

10 (1) *facilitate orderly transition from war to peace;*

11 (2) reduce expenditure to the fullest extent con-
12 sistent with the efficient operation of the Government;

(3) increase the efficiency of the operations of the Government to the fullest extent practicable;

(4) group, coordinate, and consolidate agencies
and functions of the Government, as nearly as may be,
according to major purposes;

(5) reduce the number of agencies by consolidating those having similar functions under a single head, and by abolishing such agencies as may not be necessary for the efficient conduct of the Government:

(6) *eliminate overlapping and duplication of effort;*

and

24 (7) provide for making currently and continuously,

1 *subject to the limitation contained in subsection (d) of*
2 *section 4 hereof, such adjustments in the Government*
3 *establishment as may be necessary or desirable in the*
4 *interests of economy and efficiency.*

5 *(b) The Congress declares that the public interest*
6 *demand the carrying out of the purposes specified in sub-*
7 *section (a) and that such purposes may be accomplished in*
8 *great measure by proceeding under the provisions of*
9 *this title, and can be accomplished more speedily and*
10 *efficiently thereby than by the enactment of specific legisla-*
11 *tion.*

12 *SEC. 2. No reorganization plan under section 4 shall*
13 *provide for, and no reorganization under this Act shall have*
14 *the effect of—*

15 *(a) continuing any agency beyond the period*
16 *authorized by law for its existence or beyond the time*
17 *when it would have terminated if the reorganization had*
18 *not been made; or*

19 *(b) continuing any function beyond the period*
20 *authorized by law for its exercise, or beyond the time*
21 *when it would have terminated if the reorganization*
22 *had not been made, or beyond the time when the agency*
23 *in which it was vested before the reorganization would*

1 have terminated if the reorganization had not been
2 made; or

3 (c) authorizing any agency to exercise any func-
4 tion which is not expressly authorized by law at the time
5 the plan is transmitted to the Congress; or

6 (d) transferring to any other agency any execu-
7 tive department or all the functions thereof; or

8 (e) consolidating with any executive department
9 any other executive department or all the functions
10 thereof; or

11 (f) abolishing any executive department or all the
12 functions thereof; or

13 (g) establishing any new executive department, or
14 changing the name of any executive department, or desig-
15 nating any agency as "Department" or the head of any
16 new agency as "Secretary"; or

17 (h) divesting any quasi-judicial agency of the
18 means, right, or power to exercise independent judg-
19 ment and discretion, to the full extent authorized by
20 law, in the performance and effectuation of its quasi-
21 judicial, investigative, or rule-making functions; or

22 (i) increasing the term of any office beyond that
23 now provided by law for such office.

1 *SEC. 3. (a) Whenever the President, after investigation,*
2 *finds that—*

3 *(1) the transfer of the whole or any part of any*
4 *agency or the functions thereof to the jurisdiction and*
5 *control of any other agency; or*

6 *(2) the consolidation or coordination of the whole*
7 *or any part of any agency or the functions thereof with*
8 *the whole or any part of any other agency or the func-*
9 *tions thereof; or*

10 *(3) the consolidation or coordination of any part*
11 *of any agency or the functions thereof with any other*
12 *part of the same agency or the functions thereof; or*

13 *(4) the abolition of any function or functions; or*

14 *(5) the abolition of the whole or any part of any*
15 *agency which agency or part (by reason of reorgani-*
16 *zations under this Act or otherwise, or by reason of termi-*
17 *nation of its functions in any other manner) does not*
18 *have, or upon the taking effect of the reorganizations*
19 *specified in the reorganization plan will not have, any*
20 *functions,*

21 *is necessary or desirable to accomplish one or more of the*
22 *purposes of section 1 (a), he shall prepare a reorganization*
23 *plan for the making of any reorganizations as to which he*
24 *has made findings hereunder and which he elects to include*
25 *in the plan, and shall transmit such plan (bearing an identi-*

1 flying number) to the Congress, together with a declaration
2 that, with respect to each reorganization specified in the plan,
3 he has found that such reorganization is necessary or desirable
4 to accomplish one or more of the purposes of subsection 1
5 (a): Provided, That no reorganization plan submitted shall
6 contain any disposition in conflict with any Act of Congress
7 passed after January 1, 1943, dealing expressly with the
8 creation, transfer, consolidation, or coordination of any
9 agency or the distribution or coordination of powers or func-
10 tions between agencies or within any agency. The delivery
11 to both Houses shall be on the same day and shall be made to
12 each House while it is in session.

13 (b) Any reorganization plan prepared and transmitted
14 pursuant to subsection 3 (a) shall—

15 (1) make provision for the transfer or other dis-
16 position of the records, property, and personnel affected
17 by such reorganization;

18 (2) make provision for the transfer of such
19 unexpended balances of appropriations available for use
20 in connection with any agency reorganized as the Presi-
21 dent deems necessary by reason of the reorganization:
22 Provided, That such unexpended balances so transferred
23 shall be used only for the purposes for which the
24 appropriation is originally made and any appropriations
25 or portions of appropriations unexpended by reason of

1 *the operation of this Act shall not be used for any*
2 *purpose but shall be impounded and returned to the*
3 *Treasury;*

4 *(3) make provision for winding up the affairs of*
5 *any agency abolished;*

6 *(4) designate, in such cases as the President deems*
7 *necessary, the name of any agency affected by a re-*
8 *organization;*

9 *(5) make provision for such further measures,*
10 *consistent with section 2, as the President deems neces-*
11 *sary in order to facilitate administration with respect to*
12 *any agency affected by a reorganization, including pro-*
13 *vision for the appointment, compensation, and duties of*
14 *the head or any other officer of such agency: Provided,*
15 *That no person shall be appointed to any office under a*
16 *reorganization plan for a fixed term in excess of four*
17 *years, and no provision shall be made under a reorganiza-*
18 *tion plan for the appointment of any person as the head*
19 *of an agency or (except for appointment under the*
20 *classified civil service) as a policy-maker or at a rate*
21 *of compensation in excess of \$5,000 per year, except*
22 *by and with the advice and consent of the Senate: Pro-*
23 *vided further, That no reorganization plan shall fix the*
24 *compensation of any person at more than \$10,000 per*
25 *year.*

1 *SEC. 4. (a) The reorganizations specified in the plan*
2 *shall take effect, in accordance with the plan, upon the*
3 *expiration of the first period of sixty calendar days follow-*
4 *ing the date on which the plan is transmitted to the Con-*
5 *gress, during which the Congress shall be in session without*
6 *adjournment sine die, but only if during such sixty-day*
7 *period there has not been passed by the two Houses a*
8 *concurrent resolution stating in substance that the Congress*
9 *does not favor the reorganization plan.*

10 *(b) Any provision of the plan may, under provisions*
11 *contained in the plan, be made operative at a time later*
12 *than the date on which the plan shall otherwise take effect.*

13 *(c) If the reorganizations specified in a reorganization*
14 *plan take effect, the reorganization plan shall be printed*
15 *in the Federal Register and shall be printed in the Statutes*
16 *at Large in the same volume as the public laws.*

17 *(d) No reorganization specified in a reorganization plan*
18 *shall take effect unless the plan is transmitted to the Congress*
19 *before July 1, 1947.*

20 *SEC. 5. Whenever the employment of any person is*
21 *terminated by a reduction of personnel as a result of a*
22 *reorganization effected under this Act, such person, if he*
23 *served without time limitation, shall thereafter be given*
24 *preference, when qualified, whenever an appointment is*
25 *made in the executive branch of the Government, but*

1 such preference shall not be effective for a period longer than
2 twelve months from the date the employment of such person
3 is so terminated.

4 SEC. 6. (a) All orders, rules, regulations, permits, or
5 other privileges made, issued, or granted by or in respect
6 of any agency or function reorganized under the provisions
7 of this Act and in effect at the time of the reorganization
8 shall continue in effect to the same extent as if such reor-
9 ganization had not occurred, until modified, superseded, or
10 repealed, except as otherwise provided in a reorganization
11 plan.

12 (b) No suit, action, or other proceeding lawfully com-
13 menced by or against the head of any agency or other
14 officer of the United States, in his official capacity or in
15 relation to the discharge of his official duties, shall abate
16 by reason of the taking effect of any reorganization plan under
17 the provisions of this Act, but the court may, on motion or
18 supplemental petition filed at any time within twelve months
19 after such reorganization plan takes effect, showing a
20 necessity for a survival of such suit, action, or other pro-
21 ceeding to obtain a settlement of the questions involved,
22 allow the same to be maintained by or against the succes-
23 sor of such officer under the reorganization so effected.

24 (c) All laws relating to any agency or function reor-
25 ganized under the provisions of this Act shall, insofar as

1 *such laws are not inapplicable, remain in full force and effect.*

2 *SEC. 7. When used in this Act—*

3 *(a) The term “agency” means any executive depart-*
4 *ment, commission, independent establishment, corporation*
5 *owned or controlled by the United States, board, bureau,*
6 *division, Service, office, Authority, administration, or other*
7 *establishment in the executive branch of the Government,*
8 *except the Interstate Commerce Commission, the Federal*
9 *Communications Commission, the Federal Trade Commis-*
10 *sion, and Securities and Exchange Commission, the United*
11 *States Tariff Commission, the Federal Power Commission,*
12 *the Federal Deposit Insurance Corporation, the Federal*
13 *Land Bank System, the National Mediation Board, the Na-*
14 *tional Railroad Adjustment Board, the Railroad Retirement*
15 *Board, civil functions of the Corps of Engineers, United*
16 *States Army, the United States Maritime Commission, and*
17 *the municipal government of the District of Columbia.*

18 *(b) The term “establishment in the executive branch*
19 *of the Government” does not include the General Accounting*
20 *Office, which is an establishment in the legislative branch.*

21 *(c) The term “policy maker” means one who devises;*
22 *or who has final authority, sole or joint, in the creation of or*
23 *ordering into operation, plans, estimates, programs, or ad-*
24 *ministrative procedure relating to an agency’s operations and*
25 *in conformity with law, or pertaining to the function of the*

1 agency and the administration of law, as prescribed by
2 Congress.

3 (d) The term "reorganization" means any transfer,
4 consolidation, coordination, abolition, or other measure, re-
5 ferred to in subsection (a) of section 3.

6 SEC. 8. The second paragraph of section 5 of title I
7 of the First War Powers Act, 1941 (55 Stat. 838), being
8 the last sentence of the said title I, is hereby amended by strik-
9 ing out the words "upon the termination of this title" and
10 inserting the words "on July 1, 1947".

11 TITLE II

12 SEC. 201. The following sections of this title are enacted
13 by the Congress:

14 (a) As an exercise of the rule-making power of the
15 Senate and the House of Representatives, respectively, and
16 as such they shall be considered as part of the rules of each
17 House, respectively, but applicable only with respect to
18 the procedure to be followed in such House in the case of
19 resolutions (as defined in section 202); and such rules shall
20 supersede other rules only to the extent that they are incon-
21 sistent therewith; and

22 (b) With full recognition of the constitutional right of
23 either House to change such rules (so far as relating to the
24 procedure in such House) at any time, in the same manner

1 *and to the same extent as in the case of any other rule of*
2 *such House.*

3 *SEC. 202. As used in this title, the term "resolution"*
4 *means only a concurrent resolution of the two Houses of*
5 *Congress, the matter after the resolving clause of which is*
6 *as follows: "That the Congress does not favor the reorgan-*
7 *ization plan numbered transmitted to Congress by the*
8 *President on , 19 .", the blank spaces there-*
9 *in being appropriately filled; and does not include a*
10 *concurrent resolution which specifies more than one*
11 *reorganization plan.*

12 *SEC. 203. A resolution with respect to a reorganization*
13 *plan shall be referred to a committee (and all resolutions*
14 *with respect to the same plan shall be referred to the same*
15 *committee) by the President of the Senate or the Speaker*
16 *of the House of Representatives, as the case may be.*

17 *SEC. 204. (a) If the committee to which has been re-*
18 *ferred a resolution with respect to a reorganization plan*
19 *has not reported it before the expiration of ten calendar days*
20 *after its introduction (or, in the case of a resolution received*
21 *from the other House, ten calendar days after its receipt),*
22 *it shall then (but not before) be in order to move either to*
23 *discharge the committee from further consideration of such*
24 *resolution, or to discharge the committee from further con-*

1 sideration of any other resolution with respect to such
2 reorganization plan which has been referred to the committee.

3 (b) Such motion may be made only by a person favor-
4 ing the resolution, shall be highly privileged (except that it
5 may not be made after the committee has reported a resolu-
6 tion with respect to the same reorganization plan), and de-
7 bate thereon shall be limited to not to exceed one hour, to be
8 equally divided between those favoring and those opposing
9 the resolution. No amendment to such motion shall be in
10 order, and it shall not be in order to move to reconsider the
11 vote by which such motion is agreed to or disagreed to.

12 (c) If the motion to discharge is agreed to or disagreed
13 to, such motion may not be renewed, nor may another mo-
14 tion to discharge the committee be made with respect to any
15 other resolution with respect to the same reorganization plan.

16 SEC. 205. (a) When the committee has reported, or
17 has been discharged from further consideration of, a resolution
18 with respect to a reorganization plan, it shall at any time
19 thereafter be in order (even though a previous motion to the
20 same effect has been disagreed to) to move to proceed to the
21 consideration of such resolution. Such motion shall be highly
22 privileged and shall not be debatable. No amendment to
23 such motion shall be in order and it shall not be in order to

1 move to reconsider the vote by which such motion is agreed
2 to or disagreed to.

3 (b) Debate on the resolution shall be limited to not to
4 exceed ten hours, which shall be equally divided between
5 those favoring and those opposing the resolution. A motion
6 further to limit debate shall not be debatable. No amend-
7 ment to, or motion to recommit, the resolution shall be in
8 order, and it shall not be in order to move to reconsider
9 the vote by which the resolution is agreed to or disagreed to.

10 SEC. 206. (a) All motions to postpone, made with
11 respect to the discharge from committee, or the consideration
12 of, a resolution with respect to a reorganization plan, and
13 all motions to proceed to the consideration of other business,
14 shall be decided without debate.

15 (b) All appeals from the decisions of the Chair relating
16 to the application of the rules of the Senate or the House of
17 Representatives, as the case may be, to the procedure re-
18 lating to a resolution with respect to a reorganization plan
19 shall be decided without debate.

20 SEC. 207. If, prior to the passage by one House of a
21 resolution of that House with respect to a reorganization plan,
22 such House receives from the other House a resolution
23 with respect to the same plan, then—

24 (a) If no resolution of the first House with respect to

1 such plan has been referred to committee, no other resolution
 2 with respect to the same plan may be reported or (despite
 3 the provisions of section 204 (a)) be made the subject of a
 4 motion to discharge.

5 (b) If a resolution of the first House with respect to
 6 such plan has been referred to committee—

7 (1) the procedure with respect to that or other
 8 resolutions of such House with respect to such plan which
 9 have been referred to committee shall be the same as if
 10 no resolution from the other House with respect to such
 11 plan had been received; but

12 (2) on any vote on final passage of a resolution of
 13 the first House with respect to such plan the resolution
 14 from the other House with respect to such plan shall be
 15 automatically substituted for the resolution of the first
 16 House.

Amend the title so as to read: “An Act to provide for the reorganization of Government agencies, and for other purposes.”

Passed the House of Representatives October 4, 1945.

Attest: SOUTH TRIMBLE,
 Clerk.

Passed the Senate with amendments November 19
 (legislative day, October 29), 1945.

Attest: LESLIE L. BIFFLE,
 Secretary.

AN ACT

To provide for reorganizing agencies of the Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 1945

Ordered to be printed with the amendments of the
Senate

8. CONTRACT SETTLEMENT. Sen. O'Mahoney, Wyo., inserted a summary of the 5th Quarterly Report of the Office of Contract Settlement on contract terminations (p. 11022).
9. NOMINATIONS. The Banking and Currency Committee reported favorably on the nominations of Herbert E. Gaston and William McChesney to be members of the Export-Import Bank Board of Directors. (p. 11034).
10. ADJOURNED until Fri., Nov. 23 (p. 11034).

HOUSE

11. TRANSPORTATION; LAND-GRANT FREIGHT-RATES. Received the second conference report on H. R. 694, to discontinue land-grant freight-rates. The provision establishing a veterans' farm-purchase program was deleted. (p. 11043.)
Rep. Rankin, Miss., urged more provision for veterans' farm loans (p. 11040).
12. GOVERNMENT REORGANIZATION. Reps. Manasco, Cochran, Whittington, Hoffman, and Bender were appointed conferees on H.R. 4129, the reorganization bill (p. 11043). Senate conferees not yet appointed.
13. HEALTH. The President (in his message requesting legislation for adoption of a national health program) urged more even distribution of medical aid, stating that "the number in our rural areas has been diminishing"; development of public health services to improve the national health in urban and rural areas and to prevent water pollution; expansion of medical research and professional education as exemplified by development of penicillin, DDT powder, and rehabilitation techniques; access to medical care by low-income groups; and maintenance of income during sickness (H. Doc. 380).
Rep. Knutson, Minn., criticized expenditures with respect to pending health programs (p. 11044).
14. INTERNATIONAL ORGANIZATIONS. Passed without amendment H.R. 4489, to extend certain exemptions and privileges to international organizations (pp. 11040-3).
15. WAR POWERS. The Judiciary Committee reported with amendment H.R. 4571, to amend the First War Powers Act with respect to property held by the Alien Property Custodian (H.Rept. 1269) (p. 11049).
16. FOREIGN RELIEF. Received a Pa. Presbyterian Church resolution urging Congress to support UNRRA and "whatever rationing is necessary to feed the hungry people of Europe" (p. 11050).
17. VETERINARIANS; VETERANS. Rep. Traynor, Del., urged release from the armed services of veterinarians, physicians, and dentists as the "first move in a health program" and referred particularly to his bill H.R. 4425, which would provide for the release of such servicemen (p. 11037).

BILLS INTRODUCED

18. HOUSING. H. R. 4761, by Rep. Patman, Tex., to amend the National Housing Act by adding thereto a new title relating to the prevention of housing speculation. To Banking and Currency Committee. (p. 11049.)
19. VETERANS. H.R. 4578.

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued November 21, 1945, for actions of Tuesday, November 20, 1945)

(For staff of the Department only)

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HIGHLIGHTS: Senate passed appropriation rescission bill; Emergency Rubber Project item unchanged. Sen. Butler inserted his explanatory statement on Government-corporation bill. House received conference report on bill to discontinue land-grant freight-rates; veterans'-farm-purchase program deleted. House conferees appointed on Government reorganization bill. Sen. Johnston inserted Secretary Anderson's address on cotton. House passed bill to provide exemptions and privileges to international organizations.

SENATE

1. APPROPRIATION RESCISSION. Passed with amendments this bill, H.R. 4407 (pp. 11003-22). Agreed to all committee amendments but rejected Sen. Barkley's (Ky.) amendment to keep employment offices under Federal control until June 30, 1946 (by a 31-35 vote) (pp. 11005-10). (For provisions of interest see Digest 201.)
Sens. McKellar, Glass, Hayden, Tydings, Russell, Overton, Brooks, Bridges, Gurney, and Ball were appointed conferees (p. 11022). House conferees not yet appointed.
2. GOVERNMENT CORPORATIONS. Sen. Butler, Nebr., inserted his statement relative to H.R. 3660, the bill providing for financial control of Government corporations, in which he included correspondence and a summary by sections (pp. 11025-9).
3. WOOL INVESTIGATION. Sen. Robertson, Wyo., was appointed to the Special Committee to Investigate the Production, Transportation, and Marketing of Wool (p. 11001).
4. COTTON STATISTICS. Received from this Department proposed legislation on the collection and publication of statistics of the grade and staple length of cotton. To Agriculture and Forestry Committee. (pp. 11001-2.)
5. HEALTH LEGISLATION. Sen. Wagner, N.Y., inserted a Physicians' Forum of N.Y. letter commending S. 1606, to provide for a national health program (p. 11002).
6. MINERALS. The Mines and Mining Committee reported without amendment S. 1483, providing for the suspension of annual assessment work on mining claims held by location in the U.S., including Alaska (S.Rept. 754) (p. 11002).
7. PHILIPPINES. Territories and Insular Affairs Committee reported without amendment S. 1610, to provide for the rehabilitation of the Philippines (S.Rept. 755) (p. 1102).

amount of any such refund. No payment shall be made under title II of the Social Security Act with respect to services rendered prior to January 1, 1946, which are described in subparagraph (16) of section 209 (b) of such act, as amended.

SEC. 6. International organizations shall be exempt from all property taxes imposed by, or under the authority of, any act of Congress, including such acts as are applicable solely to the District of Columbia or the Territories; and shall be entitled to the same exemptions and immunities from State or local taxes as is the United States Government.

SEC. 7. (a) Persons designated by foreign governments to serve as their representatives in or to international organizations and the officers and employees of such organizations, and members of the immediate families of such representatives, officers, and employees residing with them, other than nationals of the United States, shall, insofar as concerns laws regulating entry into and departure from the United States, alien registration and fingerprinting, the registration of foreign agents, and selective training and service, be entitled to the same privileges, exemptions, and immunities as are accorded under similar circumstances to officers and employees, respectively, of foreign governments, and members of their families.

(b) Representatives of foreign governments in or to international organizations and officers and employees of such organizations shall be immune from suit and legal process relating to acts performed by them in their official capacity and falling within their functions as such representatives, officers, or employees except insofar as such immunity may be waived by the foreign government or international organization concerned.

(c) Section 3 of the Immigration Act approved May 26, 1924, as amended (U. S. C., title 8, sec. 203), is hereby amended by striking out the period at the end thereof and substituting the following language:

"(7) An alien officer or employee of an international organization, his family, attendants, servants, and employees."

(d) Section 15 of the Immigration Act approved May 26, 1924, as amended (U. S. C., title 8, sec. 215), is hereby amended to read as follows:

"SEC. 15. The admission to the United States of an alien excepted from the class of immigrants by clause (1), (2), (3), (4), (5), (6), or (7) of section 3, or declared to be a nonquota immigrant by subdivision (e) of section 4, shall be for such time and under such conditions as may be by regulations prescribed (including, when deemed necessary for the classes mentioned in clause (2), (3), (4), or (6) of section 3 and subdivision (e) of section 4, the giving of bond with sufficient surety, in such sum and containing such conditions as may be by regulations prescribed) to insure that, at the expiration of such time or upon failure to maintain the status under which admitted, he will depart from the United States: *Provided*, That no alien who has been, or who may hereafter be, admitted into the United States under clause (1) or (7) of section 3, as an official of a foreign government, or as a member of the family of such official, or as an officer or employee of an international organization, or as a member of the family of such officer or employee, shall be required to depart from the United States without the approval of the Secretary of State."

SEC. 8. (a) No person shall be entitled to the benefits of this act unless he (1) shall have been duly notified to and accepted by the Secretary of State as a representative, officer, or employee; or (2) shall have been designated by the Secretary of State, prior to formal notification and acceptance, as a prospective representative, officer, or employee; or (3) is a member of the family or suite, or servant, of one of the foregoing accepted or designated representatives, officers, or employees.

(b) Should the Secretary of State determine that the continued presence in the United States of any person entitled to the benefits of this act is not desirable, he shall so inform the foreign government or international organization concerned, as the case may be, and after such person shall have had a reasonable length of time, to be determined by the Secretary of State, to depart from the United States, he shall cease to be entitled to such benefits.

(c) No person shall, by reason of the provisions of this act, be considered as receiving diplomatic status or as receiving any of the privileges incident thereto other than such as are specifically set forth herein.

SEC. 9. The privileges, exemptions, and immunities of international organizations and of their officers and employees, and members of their immediate families residing with them, provided for in this act, shall be granted notwithstanding the fact that the similar privileges, exemptions, and immunities granted to a foreign government, its officers, or employees, may be conditioned upon the existence of reciprocity by that foreign government: *Provided*, That nothing contained in this act shall be construed as precluding the Secretary of State from withdrawing the privileges, exemptions, and immunities herein provided from persons who are nationals of any foreign country on the ground that such country is failing to accord corresponding privileges, exemptions, and immunities to citizens of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE TRANSPORTATION ACT OF 1940—CONFERENCE REPORT

Mr. BOREN, from the Committee on Interstate and Foreign Commerce, submitted the following conference report and statement on the bill (H. R. 694) entitled "An act to amend section 321, title III, part II, Transportation Act of 1940, with respect to the movement of Government traffic," for printing in the RECORD:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 694) to amend section 321, title III, part II, Transportation Act of 1940, with respect to the movement of Government traffic, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 2. The amendment made by section 1 of this Act shall take effect October 1, 1946: *Provided, however*, That any travel or transportation specifically contracted for prior to such effective date shall be paid for at the rate, fare, or charge in effect at the time of entering into such contract of carriage or shipment."

And the Senate agree to the same.

LYLE H. BOREN,
J. PERCY PRIEST,
OREN HARRIS,
PEHR G. HOLMES,
CARROLL REECE,

Managers on the Part of the House.

E. C. JOHNSON,
BURTON K. WHEELER,
E. H. MOORE,
CLYDE M. REED,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 694) to amend section 321, title III, part II, Transportation Act of 1940, with respect to the movement of Government traffic, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate made two amendments to the bill as it passed the House.

Amendment No. 1: Section 2 of the House bill provided that the amendment to existing law made by section 1 of the bill should take effect 90 days after the date of enactment of the bill. The amendment of the Senate struck out this section and substituted the following:

"SEC. 2. The amendment made by this Act shall take effect October 1, 1945: *Provided, however*, That any travel or transportation contracted for prior to such effective date shall be paid for at the rate, fare, or charge in effect at the time of entering into such contract."

The substitute amendment agreed to in conference is the same as the Senate amendment, except that the words "section 1 of" are inserted before the words "this Act", and clarifying changes have been made in the proviso without changing its intended meaning.

Amendment No. 2: This amendment of the Senate added a new section 4 to the bill, providing for making funds available for expenditure, for the benefit of veterans, in establishing family-type farms. The Senate has receded on this amendment.

LYLE H. BOREN,
J. PERCY PRIEST,
OREN HARRIS,
PEHR G. HOLMES,
CARROLL REECE,

Managers on the Part of the House.

REORGANIZATION OF GOVERNMENT DEPARTMENTS

Mr. MANASCO. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 4129) entitled "An act to provide for reorganizing agencies of the Government, and for other purposes," with Senate amendments, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, it is agreeable to the minority members of the committee that this bill go to conference, is it?

Mr. MANASCO. I have discussed it with the members present, and they have agreed to it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none and appoints the following conferees: Mr. MANASCO, Mr. COCHRAN, Mr. WHITTINGTON, Mr. HOFFMAN, and Mr. BENDER.

EXTENSION OF REMARKS

Mr. WASIELEWSKI asked and was given permission to extend his remarks in the RECORD in two instances and to include a newspaper article in each.

Mr. PATTERSON asked and was given permission to extend his remarks in the RECORD and include a statement by the Vincent R. Costello Post of the American Legion.

Mr. STEVENSON asked and was given permission to extend his remarks in the RECORD and include a news release.

Mr. AUGUST H. ANDRESEN asked and was given permission to extend his remarks on the life and character of the late James W. Mott and to include therein a poem.

Mr. SCHWABE of Missouri asked and was given permission to extend his remarks in the Appendix of the RECORD and include an editorial from today's Washington Post.

Mr. CHURCH asked and was given permission to extend his remarks in the Appendix of the RECORD and include an editorial from the Chicago Daily News of November 14, entitled "It Is Time To Start Saving."

Mr. McCORMACK asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. RANKIN asked and was given permission to extend his remarks in the RECORD and include some letters he has received on the subject of getting our men out of the service and getting them home.

PERMISSION TO ADDRESS THE HOUSE

Mr. O'HARA. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes today following the disposition of business on the Speaker's desk and other special orders.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota.

There was no objection.

COST OF SOCIAL LEGISLATION

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KNUTSON. Mr. Speaker, on yesterday the President addressed to the Congress a message dealing with a compulsory health program. The message failed to tell us how much that program would cost, but I should like to call to the attention of the House the fact that there is already pending in various committees in this body and the one at the other end of the Capitol authorization for appropriations for one form of governmental assistance or another aggregating \$38,850,000,000. I do not know how many billions of dollars the latest program advanced by the President will cost, as he gave us no indication, but it would seem to me that in sending a message of that nature to the Congress he should let us know how much it is going to cost; and furthermore, he should tell us where we are going to get the money. Failing in that we can but conclude that the President is trying to take our minds off the labor stalemate which is rapidly sending our economy into a tail spin.

WHY THERE IS NO LEGISLATIVE PROGRAM BEFORE THE HOUSE

The SPEAKER. Under the previous order of the House, the gentleman from Minnesota [Mr. GALLAGHER] is recognized for 30 minutes.

Mr. GALLAGHER. Mr. Speaker, I am one of those men who believe in the people, who believe in the destiny of this country, who believe this country is going places. There never was a time in

the history of the country that we were on such a sound financial basis as far as businessmen, laboring men, and farmers are concerned. There are few businessmen who do not practically own their own stocks of good without any debt of any kind whatsoever. We are able to go forward with a reconversion program if we work together.

My friend from Minnesota showed me yesterday a letter he had received from the minority whip. This letter quoted a statement of the majority leader: "Business, none." That same order of business could have been included in the notice of the minority whip last week and the week before. I believe this is not the fault of the majority organization but of the committees of this House. These committees are holding up bills which are of vital importance to the security and the best interest of this country in committee and are not reporting them out for consideration. There seems to be a feeling of distrust toward the Members of Congress. I am a member of four committees, for instance, and only one of them has been active, the Committee on Indian Affairs. I might just as well not be on a committee at all.

Business and capital needs employment at the present time. I am very much interested in seeing that the pledge we made to our American servicemen, whether they be sailors, marines, or soldiers, is kept. We gave them a pledge of full employment when they were battling overseas against death and we should see that they get full employment when they return to civil life.

Mr. Speaker, there is one bill that will build up this country more than any other, in my opinion, and I refer specifically to the bill providing for the St. Lawrence Canal and its power development. This bill will create business, it will create trade, it will create employment and will develop this country in a way that no other bill could possibly develop it. The Tennessee Valley Authority has done more for that part of the country in putting it on the map than anything that has ever occurred in Tennessee or that section of the United States. The same may be said of the Missouri Valley bill, and the same may be said of the various rivers and harbors bills now pending.

I want to see consideration given also to bills that labor has asked for. With the great productive capacity of this country, with its capability for furnishing men work, I can see no reason why men should work for 40 or 45 cents an hour. We are told that these large business concerns have not the equipment with which to employ men and pay them 65 cents an hour. However, if they were required to pay 65 cents an hour, in my opinion, they would get the equipment and as long as they are allowed to buy cheap labor they will use cheap labor.

A few years ago there was imported from China one carload of iron ore. We were told at that time that our markets were going to be flooded with the products of the cheap labor of China and that our iron mines in Minnesota and other parts of the country would remain idle unless the tariff were increased. The

fact of the matter is that carload of iron that was unloaded in Seattle was brought over by the Steel Trust to influence public opinion.

The same is true of products that are on sale in this country labeled "Made in Japan." Now, if Japan had wanted to flood our markets with her commodities she would not put a label on them. She would have sent them to this country unlabeled.

Mr. Speaker, I cannot see why these measures cannot be reported out immediately. A large majority of the Members of Congress, at least three-fourths of them, have told the aged that their old-age benefits were going to be increased and that they were going to be given these benefits on better terms and conditions.

We cannot get this or any other bill having this objective brought before the House.

Mr. PITTINGER. Mr. Speaker, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from Minnesota.

Mr. PITTINGER. Does the gentleman know of any movement on foot by the administration to permit an old-age pension bill, or a bill of similar character, to even get before the House?

Mr. GALLAGHER. I do not believe the administration is keeping it back; I believe it is the leaders of the committees on both sides of the House.

Mr. PITTINGER. Mr. Speaker, will the gentleman yield further?

Mr. GALLAGHER. I yield.

Mr. PITTINGER. The gentleman mentioned the St. Lawrence seaway and power project a while ago. I agree with the gentleman that there has been a long, or what appears to me to be an unnecessary, unexplained, and mysterious delay in getting action on that measure. Will the gentleman inform the House as to why there has been this long, continuous delay that has existed not only in this body, but in another body, ever since the third day of January 1945, when Congress convened? Does the gentleman know why there is this persistent delay on a project that he says he wants to vote on?

Mr. GALLAGHER. I do not know, but I attribute it, as I said before, to the fact that the leaders on both sides of the House, especially those who have been here a long time, do not trust the Members. If they are not in complete agreement on the objective of these measures, at least they should allow them to come before the House. These bills will have to go through both Houses. Why should we sit here day after day, doing nothing but talk, talk, talk, criticize, fight battles that are past, in place of having our eyes to the future, for the benefit of our country and for the benefit of the soldier boys, to see if we cannot do something? I want action and sane thinking.

Mr. PITTINGER. Mr. Speaker, if the gentleman will yield further, he did not answer my question. I wonder if the gentleman knows, or if he does not know, how he can find out what is taking place with reference to the St. Lawrence seaway and power project? There has been a program of no action not

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued December 13, 1945, for actions of Wednesday, December 12, 1945)

(For staff of the Department only)

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HIGHLIGHTS: House received conference report on reorganization bill. House passed Hobbs anti-racketeering bill.

HOUSE

1. REORGANIZATION BILL. Received the conference report on this bill, H. R. 4129 (pp. 12081-4). The bill agreed to in conference committee is generally similar to the bill as passed by the House. However, the revised bill does not exempt the Civil Service Commission, provides an April 1, 1948, deadline on the transmittal of a reorganization plan, omits the provision on estimates of the savings which would result from each plan, provides that when the appointment of a head or assistant head of an agency affected by a plan is not under the classified civil service it shall be subject to Presidential appointment and Senate confirmation, and prohibits reorganization orders regarding agencies whose status has been changed by Congress since January 1, 1945.
2. SMALL BUSINESS. Agreed, with amendment, to H. Res. 294, providing additional funds for the Small Business Committee (pp. 12074-81).
3. LABOR; MARKETING. Passed with amendment H. R. 32, the Hobbs anti-racketeering bill (pp. 12084-106). During the debate there were several comments on labor union activities affecting farm-products marketing.
4. LUMBER EXPORTS; HOUSING. Rep. Rees, Kans., spoke against lumber exports, stating that they make the housing shortage more critical (p. 12073).

SENATE

5. WAGE-STABILIZATION APPROPRIATION. Received from the President a draft of proposed language to amend the 1946 Agricultural Appropriation Act so as to increase the limitation under salaries and expenses, War Food Administration, for the wage-stabilization program, from \$275,000 to \$373,700 (S. Doc. 128). To Appropriations Committee. (p. 12037.)

6. HOUSING APPROPRIATIONS. Received from the President a supplemental appropriation estimate of \$191,900,000 for NHA (S. Doc. 125). To Appropriations Committee. (p. 12037.)
7. VETERANS' PREFERENCE. Sen. Reed, Kans., inserted a Veterans of Foreign Wars resolution urging amendments to civil-service regulations to give veterans preference "in fact rather than theory" (p. 12041).
8. TRANSPORTATION. Sen. Langer, N. Dak., inserted N. Dak. county Farmers' Union resolutions urging that boxcars be made available for grain transportation, stating that the "lack" of cars "is costing the farmers thousands of dollars," and that all passenger-car tires be released immediately because "farmers find it difficult to do the necessary traveling". (p. 12041).
9. MISSOURI VALLEY AUTHORITY. Sen. Langer, N. Dak., inserted a N. Dak. county Farmers' Union resolution favoring S. 555, the MVA bill (pp. 12041-2).
10. FARM LABOR. Sen. Langer, N. Dak., inserted a N. Dak. county Farmers' Union resolution opposing further labor constriction, stating that "we need all available manpower on the farm" (p. 12042).

BILLS INTRODUCED

11. TEXTILE INVESTIGATION. S. Res. 203, to direct an investigation of textile use by or under the Army and Navy in occupied territories. To Military Affairs Committee. (p. 12042.)
12. LUMBER EXPORTS; HOUSING. H. R. 4968, by Rep. Landis, Ind., to prohibit exportation of logs, lumber, and certain lumber products until the housing and other construction requirements for lumber are being met. To Ways and Means Committee. (p. 12114.)

BILL APPROVED BY THE PRESIDENT

13. TRANSPORTATION. H. R. 694, to provide for full commercial railroad rates on Army and Navy traffic, effective Oct. 1, 1946, and to provide for consideration of resulting railroad income by ICC in connection with rates to the general public. Approved Dec. 12. (Public Law 256, 79th Cong.)

ITEMS IN APPENDIX

14. NATURAL RESOURCES. Rep. King., Calif., inserted an American magazine article by Secretary Ickes, "The War and our Vanishing Resources" (pp. A5855-7)..
15. FOREIGN LOANS. Rep. White, Idaho, inserted a Wall Street Journal article claiming that five top Government agencies (including Agriculture and farm organizations) are trying to affect public opinion in favor of the British loan (p. A5860).
16. FARM PROGRAMS. Rep. LeCompte, Iowa, inserted Decatur County (Iowa) Farm Bureau resolution favoring more attention to grassland and livestock production, parity prices, inclusion of labor in the parity formula, and continuance of soil conservation payments (p. A5885).
17. ANTITRUST LAWS. Rep. Kefauver, Tenn., inserted a Nashville Tennessean editorial proposing amendments to strengthen the Clayton Act (p. A5864).

strung the committee. It has never had an adequate budget, and we are now asking for one which, in my opinion, is not quite adequate, but I am willing to accept as a compromise, \$75,000.

Mr. O'HARA. Mr. Speaker, I have supported the theory of the need for the Small Business Committee, and as long as it serves the purpose for which it was created, I feel it should have the support of Congress and the necessary appropriations to permit its continuation.

The Small Business Committee has been of great service in dealing with the problems of the small businessmen and has rendered excellent service to me as the elected representative of small business in my congressional district.

I am strongly in favor of the committee being given an adequate appropriation to carry on its work.

Mr. COCHRAN. Mr. Speaker, I have asked the gentleman from Illinois [Mr. ALLEN] if he wanted any more time. He said he did not have anyone else he desired to yield to. The opposition has had as much time as those in favor of the resolution. I have been fair. I was not asked to yield half of the time until nearly half of the time had been yielded by me, part of which I consumed myself. I want you to know that this is not the Cochran resolution. It comes from the Committee on Accounts.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Pennsylvania.

Mr. RICH. Was there any time when the Small Business Committee appeared before the Committee on Accounts that we did not give them all the time they asked for and try to treat them as courteously and as gentlemanly as it was possible for our committee to do?

Mr. COCHRAN. Certainly not. They had a fair hearing.

Mr. RICH. They said we did not give them any time. I say that is not a statement of fact.

Mr. COCHRAN. We gave them all the time they wanted.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Indiana.

Mr. HALLECK. I think we ought to keep the record straight. There was no suggestion about the matter of time. There was reference to the consideration accorded the Small Business Committee before the Accounts Committee as being somewhat like the consideration involved in the handling of the time here today. That might involve many factors having to do with considerations other than just how much time might have been given before the Accounts Committee.

Mr. COCHRAN. May I ask the gentleman if there is anyone on his side who is a member of the Small Business Committee, and who has not had an opportunity to talk, that wants 3 minutes right now?

Mr. HALLECK. I have not heard of any, no.

Mr. KEOGH. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from New York.

Mr. KEOGH. May I suggest to the gentleman that the select committee is not interested in time before the Accounts Committee, but rather in getting sufficient money to do the job the House has directed it to do.

Mr. COCHRAN. Mr. Speaker, this is not my resolution. I was directed by the committee to report this resolution. I did not offer this motion in the committee. As chairman of the committee, I am following the directions of the committee and I am with the committee on its majority vote. I am not saying what occurred in the committee.

Mr. RICH. If the gentleman will yield further, may I say that I understood the gentleman a while ago when he said that we did not give time in the committee. He explains it differently now. If I misunderstood him I beg his pardon. However, there was no disposition on the part of the committee to do anything that was not the right or gentlemanly thing to do.

Mr. COCHRAN. I do not know who made the statement the gentleman refers to, but I know he did not make a correct statement if he said he was not courteously treated.

Mr. MURPHY. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Pennsylvania.

Mr. MURPHY. It seems to me it is unusual and would appear to the small businessmen of America to be unusual if they read of Congress appropriating \$1,350,000,000 to UNRRA yet quibbling about the small sum of a few thousand dollars to be given for the benefit of small business. For that reason I am going to vote for the larger appropriation.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from California.

Mr. HOLIFIELD. May I say that as a small businessman I have had many telegrams during my term here in favor of the Small Business Committee. I have directed many problems to the Small Business Committee. That is one of the few select committees that make regular accounts of their progress.

Mr. COCHRAN. May I say to the gentleman from California that a representative of small business organizations in California came to my office the other day and told me he was advised we were not giving the Small Business Committee any money. When I explained the situation to him he apologized for taking up my time and said he was absolutely satisfied with what the Accounts Committee was doing.

Mr. Speaker, I move the previous question.

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. Am I right in assuming that if the motion for the previous question—

Mr. COCHRAN. Oh, that is not a parliamentary inquiry.

Mr. MICHENER. The Chair determines that. Some things the gentleman from Missouri can determine, but the Chair has some privileges left.

Mr. Speaker, am I right in assuming that, if the motion for the previous question is voted down, it will be within the discretion of the Chair to recognize some Member to offer an amendment to the resolution, which is now before the House, either lowering the amount or increasing it, and that that is the only possible way in the present parliamentary situation that the House can express itself as to differences in the amount to be allowed this committee?

The SPEAKER. The gentleman has correctly stated the situation.

The question is on the motion for the previous question.

The question was taken; and on a division (demanded by Mr. COCHRAN) there were—ayes 30, noes 181.

So the motion was rejected.

The SPEAKER. The Chair recognizes the gentleman from Texas [Mr. PATMAN].

Mr. PATMAN. Mr. Speaker, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. PATMAN: Strike out the words and figures "\$20,000" wherever they appear and insert in lieu thereof "\$75,000."

Mr. COCHRAN. Mr. Speaker, I offer an amendment to the amendment.

Mr. PATMAN. Mr. Speaker, I do not yield for that purpose.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The resolution as amended was agreed to.

A motion to reconsider was laid on the table.

REORGANIZATION IN EXECUTIVE BRANCH

Mr. MANASCO submitted the following conference report and statement on the bill (H. R. 4129) to provide for the reorganization of Government agencies, and for other purposes:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4129) to provide for the reorganization of Government agencies, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"TITLE I

"Short title

"SECTION 1. This Act may be cited as the 'Reorganization Act of 1945.'

"Need for reorganization

"SEC. 2. (a) The President shall examine and from time to time reexamine the organization of all agencies of the Government and shall determine what changes therein are necessary to accomplish the following purposes:

"(1) to facilitate orderly transition from war to peace;

"(2) to reduce expenditures and promote economy, to the fullest extent consistent with the efficient operation of the Government;

"(3) to increase the efficiency of the operations of the Government to the fullest extent practicable within the revenues;

"(4) to group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;

"(5) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and

"(6) to eliminate overlapping and duplication of effort.

"(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding under the provisions of this Act, and can be accomplished more speedily thereby than by the enactment of specific legislation.

"(c) It is the expectation of the Congress that the transfers, consolidations, coordinations, and abolitions under this Act, shall accomplish an over-all reduction of at least 25 per centum in the administrative costs of the agency or agencies affected.

"Reorganization plans

"Sec. 3. Whenever the President, after investigation, finds that—

"(1) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency; or

"(2) the abolition of all or any part of the functions of any agency; or

"(3) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; or

"(4) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

"(5) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reorganizations specified in the reorganization plan will not have, any functions, is necessary to accomplish one or more of the purposes of section 2 (a), he shall prepare a reorganization plan for the making of the transfers, consolidations, coordinations, and abolitions, as to which he has made findings and which he includes in the plan, and transmit such plan (bearing an identifying number) to the Congress, together with a declaration that, with respect to each transfer, consolidation, coordination, or abolition referred to in paragraph (1), (2), (3), (4), or (5) of this section and specified in the plan, he has found that such transfer, consolidation, coordination, or abolition is necessary to accomplish one or more of the purposes of section 2 (a). The delivery to both Houses shall be on the same day and shall be made to each House while it is in session. The President, in his message transmitting a reorganization plan, shall specify with respect to each abolition of a function specified in the plan the statutory authority for the exercise of such function.

"Other contents of plans

"Sec. 4. Any reorganization plan transmitted by the President under section 3—

"(1) shall change, in such cases as he deems necessary, the name of any agency affected by a reorganization, and the title of its head; and shall designate the name of any agency resulting from a reorganization and the title of its head;

"(2) may include provisions for the appointment and compensation of the head and one or more assistant heads of any agency (including an agency resulting from a consolidation) if the President finds, and in his message transmitting the plan declares, that by reason of transfers, consolidations and coordinations made by the plan, the responsibilities and duties of such head are of such nature as to require such action. The head so provided for may be an individual or may be a commission or board with two or more members. In the case of any such appointment the term of office shall not be fixed at more than four years, the compensation shall not be at a rate in excess of \$10,000 per annum, and, if the appointment is not under the classified civil service, it shall be by the President, by and with the advice and consent of the Senate;

"(3) shall make provision for the transfer or other disposition of the records, property, and personnel affected by any transfer, consolidation, coordination, or abolition;

"(4) shall make provision for the transfer of such unexpended balances of appropriations available for use in connection with any function or agency transferred, consolidated, or coordinated, as he deems necessary by reason of the transfer, consolidation, or coordination for use in connection with the transferred, consolidated, or coordinated functions, or for the use of the agency to which the transfer is made, but such unexpended balances so transferred shall be used only for the purposes for which such appropriation was originally made;

"(5) shall make provision for winding up the affairs of any agency abolished.

"Limitations on powers with respect to reorganizations

"Sec. 5. (a) No reorganization plan shall provide for, and no reorganization under this Act shall have the effect of—

"(1) abolishing or transferring an executive department or all the functions thereof or establishing any new executive department; or

"(2) changing the name of any executive department or the title of its head, or designating any agency as 'Department' or its head as 'Secretary'; or

"(3) continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made; or

"(4) continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been made, or beyond the time when the agency in which it was vested before the reorganization would have terminated if the reorganization had not been made; or

"(5) authorizing any agency to exercise any function which is not expressly authorized by law at the time the plan is transmitted to the Congress; or

"(6) imposing, in connection with the exercise of any quasi-judicial or quasi-legislative function possessed by an independent agency, any greater limitation upon the exercise of independent judgment and discretion, to the full extent authorized by law, in the carrying out of such function, than existed with respect to the exercise of such function by the agency in which it was vested prior to the taking effect of such reorganization; except that this prohibition shall not prevent the abolition of any such function; or

"(7) increasing the term of any office beyond that provided by law for such office.

"(b) No reorganization plan shall provide for any reorganization affecting any agency named below in this subsection; except that this prohibition shall not apply to the transfer to such agency of the whole or any part of, or the whole or any part of the functions

of, any agency not so named. No reorganization contained in any reorganization plan shall take effect if the reorganization plan is in violation of this subsection. The agencies above referred to in this subsection are as follows: Interstate Commerce Commission, Federal Trade Commission, Securities and Exchange Commission, National Mediation Board, National Railroad Adjustment Board, and Railroad Retirement Board.

"(c) No reorganization plan shall provide for any reorganization affecting any civil function of the Corps of Engineers of the United States Army, or of its head, or affecting such Corps or its head with respect to any such civil function. No reorganization contained in any reorganization plan shall take effect if the reorganization plan is in violation of this subsection.

"(d) No reorganization plan shall provide for a reorganization affecting any agency named below in this subsection if it also provides for a reorganization which does not affect such agency; except that this prohibition shall not apply to the transfer to such agency of the whole or any part of, or the whole or any part of the functions of, any agency not so named. No reorganization contained in any reorganization plan shall take effect if the reorganization plan is in violation of this subsection. The agencies above referred to in this subsection are as follows: Federal Communications Commission, Federal Deposit Insurance Corporation, United States Tariff Commission, and Veterans' Administration.

"(e) If, since January 1, 1945, Congress has by law established the status of any agency in relation to other agencies or transferred any function to any agency, no reorganization plan shall provide for, and no reorganization under this Act shall have the effect of, changing the status of such agency in relation to other agencies or of abolishing any such transferred function or providing for its exercise by or under the supervision of any other agency.

"(f) No reorganization specified in a reorganization plan shall take effect unless the plan is transmitted to the Congress before April 1, 1948.

"Taking effect of reorganizations

"Sec. 6. (a) The reorganizations specified in the plan shall take effect in accordance with the plan upon the expiration of the first period of sixty calendar days, of continuous session of the Congress, following the date on which the plan is transmitted to it; but only if, between the date of transmittal and the expiration of such sixty-day period there has not been passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the reorganization plan.

"(b) For the purposes of subsection (a)—

"(1) continuity of session shall be considered as broken only by an adjournment of the Congress sine die; but

"(2) in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than three days to a day certain; except that if a resolution (as defined in section 202) with respect to such reorganization plan has been passed by one House and sent to the other, no exclusion under this paragraph shall be made by reason of adjournments of the first House taken thereafter.

"(c) Any provision of the plan may, under provisions contained in the plan, be made operative at a time later than the date on which the plan shall otherwise take effect.

"Definition of 'agency'

"Sec. 7. When used in this Act, the term 'agency' means any executive department, commission, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality

of the United States, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government. Such term does not include the Comptroller General of the United States or the General Accounting Office, which are a part of the legislative branch of the Government.

"Matters deemed to be reorganizations"

"SEC. 8. For the purposes of this Act, any transfer, consolidation, coordination, abolition, change or designation of name or title, disposition, winding up of affairs, or provision for the appointment and compensation of the head or assistant heads of an agency, referred to in section 3 or 4, shall be deemed a 'reorganization'."

"Saving provisions"

"SEC. 9. (a) (1) Any statute enacted, and any regulation or other action made, prescribed, issued, granted, or performed, in respect of or by any agency or function transferred to, or consolidated or coordinated with, any other agency or function under the provisions of this Act, before the effective date of such transfer, consolidation, or coordination, shall, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law, have the same effect as if such transfer, consolidation, or coordination had not been made; but where any such statute, regulation, or other action has vested functions in the agency from which the transfer is made under the plan, such functions shall, insofar as they are to be exercised after the transfer, be considered as vested in the agency to which the transfer is made under the plan.

"(2) As used in paragraph (1) of this subsection the term 'regulation or other action' means any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

"(b) No suit, action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of any reorganization under the provisions of this Act, but the court may, on motion or supplemental petition filed at any time within twelve months after such reorganization takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the successor of such head or officer under the reorganization so effected or, if there be no such successor, against such agency or officer as the President shall designate.

"Unexpended appropriations"

"SEC. 10. The appropriations or portions of appropriations unexpended by reason of the operation of this Act shall not be used for any purpose, but shall be impounded and returned to the Treasury.

"Printing of reorganization plans"

"SEC. 11. If the reorganizations specified in a reorganization plan take effect, the reorganization plan shall be printed in the Statutes at Large in the same volume as the public laws, and shall be printed in the Federal Register.

"TITLE II"

"SEC. 201. The following sections of this title are enacted by the Congress:

"(a) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in section 202); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

"(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

"SEC. 202. As used in this title, the term 'resolution' means only a concurrent resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: 'That the Congress does not favor the reorganization plan numbered _____, 19 __', the blank spaces therein being appropriately filled; and does not include a concurrent resolution which specifies more than one reorganization plan.

"SEC. 203. A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

"SEC. 204. (a) If the committee to which has been referred a resolution with respect to a reorganization plan has not reported it before the expiration of ten calendar days after its introduction (or, in the case of a resolution received from the other House, ten calendar days after its receipt), it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such reorganization plan which has been referred to the committee.

"(b) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to not to exceed one hour, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

"(c) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same reorganization plan.

"SEC. 205. (a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

"(b) Debate on the resolution shall be limited to not to exceed ten hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"SEC. 206. (a) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a reorganization plan, and all motions to proceed to the consideration of other business, shall be decided without debate.

"(b) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representa-

tives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate.

"SEC. 207. If, prior to the passage by one House of a resolution of that House with respect to a reorganization plan, such House receives from the other House a resolution with respect to the same plan, then—

"(a) If no resolution of the first House with respect to such plan has been referred to committee, no other resolution with respect to the same plan may be reported or (despite the provisions of section 204 (a)) be made the subject of a motion to discharge.

"(b) If a resolution of the first House with respect to such plan has been referred to committee—

"(1) the procedure with respect to that or other resolutions of such House with respect to such plan which have been referred to committee shall be the same as if no resolution from the other House with respect to such plan had been received; but

"(2) on any vote on final passage of a resolution of the first House with respect to such plan the resolution from the other House with respect to such plan shall be automatically substituted for the resolution of the first House."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

CARTER MANASCO,
JOHN J. COCHRAN,
WILL M. WHITTINGTON,
CLARE HOFFMAN,
GEORGE H. BENDER,

Managers on the Part of the House.

PAT MCCARRAN,
CARL A. HATCH,
ABE MURDOCK,
CHAPMAN REVERCOMBE,
H. ALEXANDER SMITH,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4129) to provide for the reorganization of Government agencies, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill as agreed to in conference is generally similar to the bill as passed by the House. A number of clarifying amendments and changes in phraseology have been made which it is not necessary to explain. A few important substantive changes from the House bill have been made, however, and these changes are stated below.

EXEMPTED AGENCIES

The agencies exempted from the act in whole or in part are exactly the same under the conference agreement and the House bill, with the following exceptions:

Railroad labor and retirement agencies: Under the House bill (sec. 5 (b)) no reorganization plan could affect any provision of the railroad retirement acts or subchapter B of chapter 9 of the Internal Revenue Code or the Railroad Unemployment Insurance Act or the Railroad Labor Act, nor could any plan affect any agency functioning pursuant to, or functions being performed pursuant to such acts, except functions of the Bureau of Internal Revenue not related to subchapter B of chapter 9 of the Internal Revenue Code.

Under the conference agreement (sec. 5 (b)) in lieu of this provision the Railroad Retirement Board, National Mediation Board, and the National Railroad Adjustment Board are placed in the same exempt status as the Interstate Commerce Commission, the Federal Trade Commission, and the Securities

and Exchange Commission, so that no reorganization plan shall provide for any reorganization affecting any of these agencies, but the provision does not prevent the transfer to one of such agencies of other agencies or functions.

Corps of Engineers: Under the House bill (sec. 5 (d)) no reorganization plan could abolish any civil function of the corps or of its head or vest any such civil function in any agency outside the control and jurisdiction of the War Department, except under a separate plan not involving reorganizations of other agencies. Transfers to the corps of other agencies and functions were not subject to this limitation.

Under the conference agreement (sec. 5 (c)) no reorganization plan may provide for any reorganization affecting any civil function of the Corps of Engineers of the United States Army, or of its head, or affecting such corps or its head with respect to any such civil function.

Civil Service Commission: Under the House bill (sec. 5 (c)) no reorganization plan could provide for a reorganization affecting the Civil Service Commission, except under a separate plan not involving reorganizations of any other agency, but the prohibition did not apply to the transfer to the Civil Service Commission of other agencies and functions.

Under the conference agreement (sec. 5 (d)) this exemption of the Civil Service Commission is removed.

Quasi-judicial and quasi-legislative functions: Section 2 (h) of the Senate amendment contains a provision not found in the House bill providing that no reorganization plan shall provide for, and no reorganization under the act shall have the effect of, divesting any quasi-judicial agency of the means, right, or power to exercise independent judgment and discretion, to the full extent authorized by law, in the performance and effectuation of its quasi-judicial, investigative, or rule-making functions.

In lieu of this provision the conference agreement (sec. 5 (a) (6)) includes a provision in the bill to the effect that no reorganization plan shall provide for, and no reorganization under the act shall have the effect of, imposing, in connection with the exercise of any quasi-judicial or quasi-legislative function possessed by an independent agency, any greater limitation upon the exercise of independent judgment and discretion, to the full extent authorized by law, in the carrying out of such function, than existed with respect to the exercise of such function by the agency in which vested prior to the taking effect of the reorganization; but this prohibition is not to prevent the abolition of any such function.

DEAD LINE ON TRANSMITTAL OF PLAN

Under the House bill (sec. 5 (c)) no reorganization could take effect unless the plan was transmitted to Congress before July 1, 1948. The Senate amendment (sec. 4 (d)) made this date July 1, 1947. Under the conference agreement (sec. 5 (f)) the date is made April 1, 1948.

SAVINGS RESULTING FROM REORGANIZATIONS

Section 2 (c) of the House bill stated that it is the policy and expectation of Congress that the transfers, consolidations, and abolitions contained in each reorganization plan shall accomplish an over-all reduction of at least 25 percent in the administrative cost in the agency or agencies affected by the plan.

Section 3 of the House bill provided that the President, in his message transmitted with the reorganization plan, should state to such extent as he deemed practicable approximately the reduction of expenditures, if any, which it is probable will be brought about by the taking effect of the reorganizations specified in the plan.

The above-referred-to provision of section 3 was not contained in the Senate bill and

is omitted under the conference agreement. The House provision in section 2 (c) above referred to did not appear in the Senate amendment. Under the conference agreement (sec. 2 (c)) it is provided that it is the expectation of Congress that the transfers, consolidations, coordinations, and abolitions under the act shall accomplish an over-all reduction of at least 25 percent in the administrative costs of the agency or agencies affected.

DECLARED PURPOSES OF ACT

Both the House bill and the Senate amendment provided that the President shall determine what changes in the reorganization of the Government are necessary to accomplish certain named purposes. One additional purpose contained in the Senate amendment, but not in the House bill, is retained under the conference agreement (sec. 2 (a) (1)). It is "to facilitate orderly transition from war to peace."

CONTENTS OF PLANS

Under both bills, when the President found that the consolidation of the whole or any part of an agency or of its functions was necessary to accomplish one of the purposes of the act, he could include such consolidation in the reorganization plan. The Senate amendment (sec. 3 (a) (2) and (3)) added "coordination" to the provisions with respect to consolidation, and the conference agreement (sec. 3 (3) and (4)) accepts this addition.

The House bill (sec. 4 (2)) provided that the plan might include provisions for the appointment and compensation of the head and one or more assistant heads of any agency; but the compensation so fixed should be at a rate not in excess of \$12,000 a year and confirmation by the Senate was required in the case of appointments at over \$9,800 a year. The Senate amendment (sec. 3 (b) (5)) fixed the highest permissible compensation under the plan at \$10,000 and the conference agreement adopts this change. The Senate amendment provided for Senate confirmation of all appointments of heads of agencies or (except for appointment under the classified civil service) in the case of appointments as a "policy maker" or at a rate of compensation in excess of \$5,000 a year. The conference agreement (sec. 4 (2)) is the same as the House bill except that it is provided that, when the appointment (regardless of rate of compensation) of a head or assistant head of an agency is not under the classified civil service, it shall be by the President by and with the advice and consent of the Senate.

The House bill and the Senate amendment both provide for the abolition of the whole or any part of an agency if such agency does not have, or upon the taking effect of the reorganizations specified in the plan will not have, any functions. The Senate amendment adds a parenthetical clause listing the circumstances under which the absence of the functions may occur which reads as follows:

"(by reason of reorganizations under this act or otherwise or by reason of termination of its functions in any other manner)."

This provision, which was also found in the Reorganization Act of 1939, was omitted from the House bill and is also omitted under the conference agreement on the ground that it is purely surplusage and adds nothing to the bill.

PROHIBITIONS ON REORGANIZATIONS

The Senate amendment (sec. 2 (i)) provided that no plan should contain any provisions increasing the term of office beyond that provided by law for such office. The House bill did not contain this provision. It is retained under the conference agreement (sec. 5 (a) (7)), although even without the provision the bill does not authorize any such increase.

The conference agreement (sec. 5 (e)) adds a prohibition, not found in the House bill, which is a modified version of a provision of the Senate amendment. This provision of the conference agreement provides that if, since January 1, 1945, Congress has by law established the status of any agency in relation to other agencies, no reorganization plan shall provide for, and no reorganization under the act shall have the effect of, changing the status of such agency in relation to other agencies. It also provides that if, since January 1, 1945, Congress has by law transferred any function to any agency, no reorganization plan shall provide for, and no reorganization under the act shall have the effect of, abolishing such transferred function or providing for its exercise by or under the supervision of any other agency.

The Senate amendment (sec. 2 (e)) contains an express prohibition against consolidating with any executive department any other executive department or all the functions thereof. Under the conference agreement this is omitted as surplusage, being fully covered by other provisions (sec. 5 (a) (1) of the bill as agreed to in conference) prohibiting transfers of an executive department or all of its functions.

CARTER MANASCO,
JOHN J. COCHRAN,
WILL M. WHITTINGTON,
CLARE HOFFMAN,
GEORGE H. BENDER,

Managers on the Part of the House.

COMMITTEE ON LABOR

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent that the Committee on Labor may meet this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

AMENDING ANTIRACKETEERING ACT

Mr. SUMNERS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 32) to amend the act entitled "An act to protect trade and commerce against interference by violence, threats, coercion, or intimidation", approved June 18, 1934.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 32, with Mr. BULWINKLE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas is recognized for 1 hour and the gentleman from New York [Mr. HANCOCK] for 1 hour.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman from New York use some of his time?

Mr. HANCOCK. Mr. Chairman, I yield myself 5 minutes. I do not know that I shall use the 5 minutes because I have had a great many requests for time and I did discuss the bill at some length when the House passed it 2 years ago. Furthermore, I am advised that when the jury is with you it is not a good idea to talk too much. I anticipate that this bill will pass by substantially the same vote that it received 2 years ago, which was 270 to 107. At least that is my hope. There are one or two points that have

REORGANIZATIONS IN EXECUTIVE BRANCH

DECEMBER 12, 1945.—Ordered to be printed

Mr. MANASCO, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H. R. 4129]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4129) to provide for the reorganization of Government agencies, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I

SHORT TITLE

SECTION 1. *This Act may be cited as the "Reorganization Act of 1945".*

NEED FOR REORGANIZATIONS

SEC. 2. (a) *The President shall examine and from time to time re-examine the organization of all agencies of the Government and shall determine what changes therein are necessary to accomplish the following purposes:*

- (1) *to facilitate orderly transition from war to peace;*
- (2) *to reduce expenditures and promote economy, to the fullest extent consistent with the efficient operation of the Government;*
- (3) *to increase the efficiency of the operations of the Government to the fullest extent practicable within the revenues;*
- (4) *to group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;*

(5) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and

(6) to eliminate overlapping and duplication of effort.

(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding under the provisions of this Act, and can be accomplished more speedily thereby than by the enactment of specific legislation.

(c) It is the expectation of the Congress that the transfers, consolidations, coordinations, and abolitions under this Act shall accomplish an over-all reduction of at least 25 per centum in the administrative costs of the agency or agencies affected.

REORGANIZATION PLANS

SEC. 3. Whenever the President, after investigation, finds that—

(1) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency; or

(2) the abolition of all or any part of the functions of any agency; or

(3) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; or

(4) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

(5) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reorganizations specified in the reorganization plan will not have, any functions,

is necessary to accomplish one or more of the purposes of section 2 (a), he shall prepare a reorganization plan for the making of the transfers, consolidations, coordinations, and abolitions, as to which he has made findings and which he includes in the plan, and transmit such plan (bearing an identifying number) to the Congress, together with a declaration that, with respect to each transfer, consolidation, coordination, or abolition referred to in paragraph (1), (2), (3), (4), or (5) of this section and specified in the plan, he has found that such transfer, consolidation, coordination, or abolition is necessary to accomplish one or more of the purposes of section 2 (a). The delivery to both Houses shall be on the same day and shall be made to each House while it is in session. The President, in his message transmitting a reorganization plan, shall specify with respect to each abolition of a function specified in the plan the statutory authority for the exercise of such function.

OTHER CONTENTS OF PLANS

SEC. 4. Any reorganization plan transmitted by the President under section 3—

(1) shall change, in such cases as he deems necessary, the name of any agency affected by a reorganization, and the title of its head;

and shall designate the name of any agency resulting from a reorganization and the title of its head;

(2) may include provisions for the appointment and compensation of the head and one or more assistant heads of any agency (including an agency resulting from a consolidation) if the President finds, and in his message transmitting the plan declares, that by reason of transfers, consolidations and coordinations made by the plan, the responsibilities and duties of such head are of such nature as to require such action. The head so provided for may be an individual or may be a commission or board with two or more members. In the case of any such appointment the term of office shall not be fixed at more than four years, the compensation shall not be at a rate in excess of \$10,000 per annum, and, if the appointment is not under the classified civil service, it shall be by the President, by and with the advice and consent of the Senate;

(3) shall make provision for the transfer or other disposition of the records, property, and personnel affected by any transfer, consolidation, coordination, or abolition;

(4) shall make provision for the transfer of such unexpended balances of appropriations available for use in connection with any function or agency transferred, consolidated, or coordinated, as he deems necessary by reason of the transfer, consolidation, or coordination for use in connection with the transferred, consolidated, or coordinated functions, or for the use of the agency to which the transfer is made, but such unexpended balances so transferred shall be used only for the purposes for which such appropriation was originally made;

(5) shall make provision for winding up the affairs of any agency abolished.

LIMITATIONS ON POWERS WITH RESPECT TO REORGANIZATIONS

SEC. 5. (a) No reorganization plan shall provide for, and no reorganization under this Act shall have the effect of—

(1) abolishing or transferring an executive department or all the functions thereof or establishing any new executive department; or

(2) changing the name of any executive department or the title of its head, or designating any agency as "Department" or its head as "Secretary"; or

(3) continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made; or

(4) continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been made, or beyond the time when the agency in which it was vested before the reorganization would have terminated if the reorganization had not been made; or

(5) authorizing any agency to exercise any function which is not expressly authorized by law at the time the plan is transmitted to the Congress; or

(6) imposing, in connection with the exercise of any quasi-judicial or quasi-legislative function possessed by an independent agency, any greater limitation upon the exercise of independent judgment and discretion, to the full extent authorized by law, in the carrying out of such function, than existed with respect to the exercise of such func-

tion by the agency in which it was vested prior to the taking effect of such reorganization; except that this prohibition shall not prevent the abolition of any such function; or

(7) increasing the term of any office beyond that provided by law for such office.

(b) No reorganization plan shall provide for any reorganization affecting any agency named below in this subsection; except that this prohibition shall not apply to the transfer to such agency of the whole or any part of, or the whole or any part of the functions of, any agency not so named. No reorganization contained in any reorganization plan shall take effect if the reorganization plan is in violation of this subsection. The agencies above referred to in this subsection are as follows: Interstate Commerce Commission, Federal Trade Commission, Securities and Exchange Commission, National Mediation Board, National Railroad Adjustment Board, and Railroad Retirement Board.

(c) No reorganization plan shall provide for any reorganization affecting any civil function of the Corps of Engineers of the United States Army, or of its head, or affecting such Corps or its head with respect to any such civil function. No reorganization contained in any reorganization plan shall take effect if the reorganization plan is in violation of this subsection.

(d) No reorganization plan shall provide for a reorganization affecting any agency named below in this subsection if it also provides for a reorganization which does not affect such agency; except that this prohibition shall not apply to the transfer to such agency of the whole or any part of, or the whole or any part of the functions of, any agency not so named. No reorganization contained in any reorganization plan shall take effect if the reorganization plan is in violation of this subsection. The agencies above referred to in this subsection are as follows: Federal Communications Commission, Federal Deposit Insurance Corporation, United States Tariff Commission, and Veterans' Administration.

(e) If, since January 1, 1945, Congress has by law established the status of any agency in relation to other agencies or transferred any function to any agency, no reorganization plan shall provide for, and no reorganization under this Act shall have the effect of, changing the status of such agency in relation to other agencies or of abolishing any such transferred function or providing for its exercise by or under the supervision of any other agency.

(f) No reorganization specified in a reorganization plan shall take effect unless the plan is transmitted to the Congress before April 1, 1948.

TAKING EFFECT OF REORGANIZATIONS

SEC. 6. (a) The reorganizations specified in the plan shall take effect in accordance with the plan upon the expiration of the first period of sixty calendar days, of continuous session of the Congress, following the date on which the plan is transmitted to it; but only if, between the date of transmittal and the expiration of such sixty-day period there has not been passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the reorganization plan.

(b) For the purposes of subsection (a)—

(1) continuity of session shall be considered as broken only by an adjournment of the Congress sine die; but

(2) in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of an

adjournment of more than three days to a day certain; except that if a resolution (as defined in section 202) with respect to such reorganization plan has been passed by one House and sent to the other, no exclusion under this paragraph shall be made by reason of adjournments of the first House taken thereafter.

(c) Any provision of the plan may, under provisions contained in the plan, be made operative at a time later than the date on which the plan shall otherwise take effect.

DEFINITION OF "AGENCY"

SEC. 7. When used in this Act, the term "agency" means any executive department, commission, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government. Such term does not include the Comptroller General of the United States or the General Accounting Office, which are a part of the legislative branch of the Government.

MATTERS DEEMED TO BE REORGANIZATIONS

SEC. 8. For the purposes of this Act any transfer, consolidation, coordination, abolition, change or designation of name or title, disposition, winding up of affairs, or provision for the appointment and compensation of the head or assistant heads of an agency, referred to in section 3 or 4, shall be deemed a "reorganization".

SAVING PROVISIONS

SEC. 9. (a) (1) Any statute enacted, and any regulation or other action made, prescribed, issued, granted, or performed, in respect of or by any agency or function transferred to, or consolidated or coordinated with, any other agency or function under the provisions of this Act, before the effective date of such transfer, consolidation, or coordination, shall, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law, have the same effect as if such transfer, consolidation, or coordination had not been made; but where any such statute, regulation, or other action has vested functions in the agency from which the transfer is made under the plan, such functions shall, insofar as they are to be exercised after the transfer, be considered as vested in the agency to which the transfer is made under the plan.

(2) As used in paragraph (1) of this subsection the term "regulation or other action" means any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

(b) No suit, action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of any reorganization under the provisions of this Act, but the court may, on motion or supplemental petition filed at any time within twelve months after such reorganization takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the successor of such head or officer under the reorganization so effected or, if there be no such successor, against such agency or officer as the President shall designate.

UNEXPENDED APPROPRIATIONS

SEC. 10. The appropriations or portions of appropriations unexpended by reason of the operation of this Act shall not be used for any purpose, but shall be impounded and returned to the Treasury.

PRINTING OF REORGANIZATION PLANS

SEC. 11. If the reorganizations specified in a reorganization plan take effect, the reorganization plan shall be printed in the Statutes at Large in the same volume as the public laws, and shall be printed in the Federal Register.

TITLE II

SEC. 201. The following sections of this title are enacted by the Congress:

(a) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in section 202); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

SEC. 202. As used in this title, the term "resolution" means only a concurrent resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not favor the reorganization plan numbered _____ transmitted to Congress by the President on _____, 19 ____", the blank spaces therein being appropriately filled; and does not include a concurrent resolution which specifies more than one reorganization plan.

SEC. 203. A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

SEC. 204. (a) If the committee to which has been referred a resolution with respect to a reorganization plan has not reported it before the expiration of ten calendar days after its introduction (or, in the case of a resolution received from the other House, ten calendar days after its receipt), it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such reorganization plan which has been referred to the committee.

(b) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to not to exceed one hour, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(c) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same reorganization plan.

SEC. 205. (a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(b) Debate on the resolution shall be limited to not to exceed ten hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

SEC. 206. (a) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a reorganization plan, and all motions to proceed to the consideration of other business, shall be decided without debate.

(b) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate.

SEC. 207. If, prior to the passage by one House of a resolution of that House with respect to a reorganization plan, such House receives from the other House a resolution with respect to the same plan, then—

(a) If no resolution of the first House with respect to such plan has been referred to committee, no other resolution with respect to the same plan may be reported or (despite the provisions of section 204 (a)) be made the subject of a motion to discharge.

(b) If a resolution of the first House with respect to such plan has been referred to committee—

(1) the procedure with respect to that or other resolutions of such House with respect to such plan which have been referred to committee shall be the same as if no resolution from the other House with respect to such plan had been received; but

(2) on any vote on final passage of a resolution of the first House with respect to such plan the resolution from the other House with respect to such plan shall be automatically substituted for the resolution of the first House.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

CARTER MANASCO,
JOHN J. COCHRAN,
WILL M. WHITTINGTON,
CLARE HOFFMAN,
GEORGE H. BENDER,

Managers on the Part of the House.

PAT McCARRAN,
CARL A. HATCH,
ABE MURDOCK,
CHAPMAN REVERCOMB,
H. ALEXANDER SMITH,

Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4129) to provide for the reorganization of Government agencies, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill as agreed to in conference is generally similar to the bill as passed by the House. A number of clarifying amendments and changes in phraseology have been made which it is not necessary to explain. A few important substantive changes from the House bill have been made, however, and these changes are stated below.

EXEMPTED AGENCIES

The agencies exempted from the act in whole or in part are exactly the same under the conference agreement and the House bill, with the following exceptions:

Railroad labor and retirement agencies.—Under the House bill (sec. 5 (b)) no reorganization plan could affect any provision of the railroad retirement acts or subchapter B of chapter 9 of the Internal Revenue Code or the Railroad Unemployment Insurance Act or the Railroad Labor Act, nor could any plan affect any agency functioning pursuant to, or functions being performed pursuant to such acts, except functions of the Bureau of Internal Revenue not related to subchapter B of chapter 9 of the Internal Revenue Code.

Under the conference agreement (sec. 5 (b)) in lieu of this provision the Railroad Retirement Board, National Mediation Board, and the National Railroad Adjustment Board are placed in the same exempt status as the Interstate Commerce Commission, the Federal Trade Commission, and the Securities and Exchange Commission, so that no reorganization plan shall provide for any reorganization affecting any of these agencies, but the provision does not prevent the transfer to one of such agencies of other agencies or functions.

Corps of Engineers.—Under the House bill (sec. 5 (d)) no reorganization plan could abolish any civil function of the corps or of its head or vest any such civil function in any agency outside the control and jurisdiction of the War Department, except under a separate plan not involving reorganizations of other agencies. Transfers to the corps of other agencies and functions were not subject to this limitation.

Under the conference agreement (sec. 5 (e)) no reorganization plan may provide for any reorganization affecting any civil function of the Corps of Engineers of the United States Army, or of its head, or affecting such corps or its head with respect to any such civil function.

Civil Service Commission.—Under the House bill (sec. 5 (e)) no reorganization plan could provide for a reorganization affecting the Civil Service Commission, except under a separate plan not involving

reorganizations of any other agency, but the prohibition did not apply to the transfer to the Civil Service Commission of other agencies and functions.

Under the conference agreement (sec. 5 (d)) this exemption of the Civil Service Commission is removed.

Quasi-judicial and quasi-legislative functions.—Section 2 (h) of the Senate amendment contains a provision not found in the House bill providing that no reorganization plan shall provide for, and no reorganization under the act shall have the effect of, divesting any quasi-judicial agency of the means, right, or power to exercise independent judgment and discretion, to the full extent authorized by law, in the performance and effectuation of its quasi-judicial, investigative, or rule-making functions.

In lieu of this provision the conference agreement (sec. 5 (a) (6)) includes a provision in the bill to the effect that no reorganization plan shall provide for, and no reorganization under the act shall have the effect of, imposing, in connection with the exercise of any quasi-judicial or quasi-legislative function possessed by an independent agency, any greater limitation upon the exercise of independent judgment and discretion, to the full extent authorized by law, in the carrying out of such function, than existed with respect to the exercise of such function by the agency in which vested prior to the taking effect of the reorganization; but this prohibition is not to prevent the abolition of any such function.

DEAD LINE ON TRANSMITTAL OF PLAN

Under the House bill (sec. 5 (e)) no reorganization could take effect unless the plan was transmitted to Congress before July 1, 1948. The Senate amendment (sec. 4 (d)) made this date July 1, 1947. Under the conference agreement (sec. 5 (f)) the date is made April 1, 1948.

SAVINGS RESULTING FROM REORGANIZATIONS

Section 2 (c) of the House bill stated that it is the policy and expectation of Congress that the transfers, consolidations, and abolitions contained in each reorganization plan shall accomplish an over-all reduction of at least 25 percent in the administrative cost in the agency or agencies affected by the plan.

Section 3 of the House bill provided that the President, in his message transmitted with the reorganization plan, should state to such extent as he deemed practicable approximately the reduction of expenditures, if any, which it is probable will be brought about by the taking effect of the reorganizations specified in the plan.

The above referred to provision of section 3 was not contained in the Senate bill and is omitted under the conference agreement. The House provision in section 2 (c) above referred to did not appear in the Senate amendment. Under the conference agreement (sec. 2 (c)) it is provided that it is the expectation of Congress that the transfers, consolidations, coordinations, and abolitions under the act shall accomplish an over-all reduction of at least 25 percent in the administrative costs of the agency or agencies affected.

DECLARED PURPOSES OF ACT

Both the House bill and the Senate amendment provided that the President shall determine what changes in the reorganization of the Government are necessary to accomplish certain named purposes. One additional purpose contained in the Senate amendment, but not in the House bill, is retained under the conference agreement (sec. 2 (a) (1)). It is "to facilitate orderly transition from war to peace."

CONTENTS OF PLANS

Under both bills, when the President found that the consolidation of the whole or any part of an agency or of its functions with any other agency or its functions was necessary to accomplish one of the purposes of the act, he could include such consolidation in the reorganization plan. The Senate amendment (sec. 3 (a) (2) and (3)) added "coordination" to the provisions with respect to consolidation, and the conference agreement (sec. 3 (3) and (4)) accepts this addition.

The House bill (sec. 4 (2)) provided that the plan might include provisions for the appointment and compensation of the head and one or more assistant heads of any agency; but the compensation so fixed should be at a rate not in excess of \$12,000 a year and confirmation by the Senate was required in the case of appointments at over \$9,800 a year. The Senate amendment (sec. 3 (b) (5)) fixed the highest permissible compensation under the plan at \$10,000 and the conference agreement adopts this change. The Senate amendment provided for Senate confirmation of all appointments of heads of agencies or (except for appointment under the classified civil service) in the case of appointments as a "policy maker" or at a rate of compensation in excess of \$5,000 a year. The conference agreement (sec. 4 (2)) is the same as the House bill except that it is provided that, when the appointment (regardless of rate of compensation) of a head or assistant head of an agency is not under the classified civil service, it shall be by the President by and with the advice and consent of the Senate.

The House bill and the Senate amendment both provide for the abolition of the whole or any part of an agency if such agency does not have, or upon the taking effect of the reorganizations specified in the plan will not have, any functions. The Senate amendment adds a parenthetical clause listing the circumstances under which the absence of the functions may occur which reads as follows:

(by reason of reorganizations under this Act or otherwise or by reason of termination of its functions in any other manner).

This provision, which was also found in the Reorganization Act of 1939, was omitted from the House bill and is also omitted under the conference agreement on the ground that it is purely surplusage and adds nothing to the bill.

PROHIBITIONS ON REORGANIZATIONS

The Senate amendment (sec. 2 (i)) provided that no plan should contain any provisions increasing the term of office beyond that provided by law for such office. The House bill did not contain this provision. It is retained under the conference agreement (sec. 5 (a)).

(7)), although even without the provision the bill does not authorize any such increase.

The conference agreement (sec. 5 (e)) adds a prohibition, not found in the House bill, which is a modified version of a provision of the Senate amendment. This provision of the conference agreement provides that if, since January 1, 1945, Congress has by law established the status of any agency in relation to other agencies, no reorganization plan shall provide for, and no reorganization under the act shall have the effect of, changing the status of such agency in relation to other agencies. It also provides that if, since January 1, 1945, Congress has by law transferred any function to any agency, no reorganization plan shall provide for, and no reorganization under the act shall have the effect of, abolishing such transferred function or providing for its exercise by or under the supervision of any other agency.

The Senate amendment (sec. 2 (e)) contains an express prohibition against consolidating with any executive department any other executive department or all the functions thereof. Under the conference agreement this is omitted as surplusage, being fully covered by other provisions (sec. 5 (a) (1) of the bill as agreed to in conference) prohibiting transfers of an executive department or all of its functions.

CARTER MANASCO,
JOHN J. COCHRAN,
WILL M. WHITTINGTON,
CLARE HOFFMAN,
GEORGE H. BENDER,

Managers on the Part of the House.





DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued December 14, 1945, for actions of Thursday, December 13, 1945)

(For staff of the Department only)

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HIGHLIGHTS: Both Houses agreed to reorganization-bill conference report; ready for President. House debated full-employment bill; Rep. Manasco discussed status of seasonal agriculture and canning employment; Rep. Lanham urged reduction of Federal personnel; Rep. Murray urged inclusion of agricultural employees and criticized CCC administration. Senate committee reported UNRRA-authorization bill. Senate debated Federal pay bill.

SENATE

1. REORGANIZATION BILL. Both Houses agreed to the conference report on this bill, H.R. 4129 (pp. 12117-25, 12144-6). (For provisions see Digest 220.) The Senate had received the report earlier in the day. This bill will now be sent to the President.
2. FEDERAL-PAY BILL. Continued debate on this bill, S. 1415 (pp. 12125-40). Sen. Downey, Calif., submitted, but later withdrew, an amendment which would repeal the pay raises provided in the Federal Pay Act of 1944 and provide for a 40% increase in the June 30, 1945, scale for that part not exceeding \$1200 and for a 30% increase for that part over \$1200 (pp. 12127-36). Sen. Byrd, Va., submitted amendments (for himself and Sens. Hickenlooper, Iowa, and Hart, Conn.) which provide for an increase in the June 30, 1945, scale as follows: 36% for that part not exceeding \$1200; plus 18% for that part between \$1200 and \$4600; plus 9% for that part exceeding \$4600 per annum (pp. 12137-40).
3. UNRRA AUTHORIZATION. The Foreign Relations Committee reported without amendment H.R. 4649, the UNRRA-authorization bill (S.Rept. 850) (p. 12115). (For provisions see Digest 216.)
4. PUBLIC LANDS. Passed without amendment S. 1471, to provide for the transfer to the Tex. Rural Communities the property comprising the FSA Mexia Colony project in Limestone County, Tex. (p. 12140).
5. NOMINATION. The Banking and Currency Committee reported favorably the nomination of Lynn U. Stambaugh to be a member of the Export-Import Bank Board of Directors (p. 12141).

HOUSE

6. FULL-EMPLOYMENT BILL. Began debate on this bill, S. 380 (p. 12146-208). Rep. Manasco, Ala., discussed the seasonal employment in agriculture and in the canning industry (p. 12153). Rep. Lanham, Tex., urged reduction of Federal employment (pp. 12188-9). Rep. Murray, Wis., urged inclusion in this bill of rural, FSA, AAA, and PCA employees and criticized CCC administration (p. 12192).
7. FEDERAL SEED ACT. Received this Department's proposed legislation to amend the Federal Seed Act so as to include sugar beets under the Act, to require records of vegetable seeds transported in interstate commerce, to require marking content of imported seed and provide penalties for violations, and to provide for expansion of the seed-testing programs. To Agriculture Committee. (p. 12209.)
8. RECLAMATION. The Irrigation and Reclamation Committee reported without amendment H.R. 4932, to amend the Boulder Canyon Project Act so as to provide for settlement of veterans on reclamation lands (H.Rept. 1437) (p. 12209).
9. VETERANS; UNEMPLOYMENT COMPENSATION. Received a United Automobile, Aircraft, and Agricultural Implement Workers Union (N.Y.) petition opposing the effect on veterans of the prohibition against payment of unemployment compensation to persons involved in industrial disputes (p. 12210).

BILLS INTRODUCED

10. LUMBER EXPORTS; HOUSING. S. 1682, by Sen. Bushfield (S.Dak.), H.R. 4986, by Rep. Beall (Md.), H.R. 4987, by Rep. Bender (Ohio), H.R. 4988, by Rep. Cunningham (Iowa), H.R. 4989, by Rep. Gross (Pa.), H.R. 4990, by Rep. Henry (Wis.), H.R. 4991, by Rep. Jensen (Iowa), H.R. 4992, by Rep. Short (Mo.), and H.R. 4993, by Rep. Talle (Iowa), to prohibit the exportation of logs, lumber, and certain lumber products until the housing and other construction requirements for lumber are being currently met. To Senate Commerce and House Ways and Means Committees. (pp. 12116, 12210)
11. SURPLUS LUMBER. H. Res. 456, by Rep. Landis, Ind., providing for an investigation with respect to the handling and disposition of surplus lumber. To Rules Committee. (p. 12210.)

ITEMS IN APPENDIX

12. MARKETING; WAGES. Sen. Tunnell, Del., inserted Sen. Guffey's (Pa.) recent address before a farmers' conference at Altoona, Pa., advocating increased wages for low-income industrial groups as a means of expanding farm markets (p. A5893).
13. LABOR. Speech in the House by Rep. Robsion, Ky., supporting H.R. 32, the anti-racketeering bill, which he states will outlaw stopping of farm trucks enroute to market, destruction of farm products, and other unfair practices in labor disputes (p. A5896).
14. MINERALS. Rep. Morrison, La., inserted a recent American Magazine article by Eugene Holman (pres., Standard Oil Co., N.J.) "We Will Have Plenty of Oil," pointing out potential supplies of oil, coal, and natural gas (pp. A5903-4).
15. SURPLUS PROPERTY. Rep. Slaughter, Mo., inserted Mayor Gage's (Kansas City, Mo.) letter claiming that there is discrimination against local government agencies in the administration of the Surplus Property Act (p. A5905).
16. FOREIGN RELIEF. Rep. McCormack, Mass., inserted Archbishop Cushing's (Boston)

an ichthyologist to report to headquarters—believe it or not, the general is building himself an aquarium at the reported cost of \$5,000. Still another idiotic episode is that, for the past 5 weeks, he has had a major buying hay for eight horses at the cost of \$3,500. The horses, one of which recently died, are for show to the important guests. Oh, yes, he is also building an aviary. There aren't 10 officers out of a hundred who have a good 3 hours' work to do each day. One lieutenant colonel has the big job of taking a census of the number of troops in the various companies for which the Army is paying him the sum of \$550 monthly. Multiply this by 10,000 and you will see the figures start to rise for our taxpayers. However, these examples are typical of the 50,000 headquarters of the Army where work is being manufactured just to hoodwink the American people and especially Congress. So why are we kept in? Just for the pleasure of the generals who don't want to give up their little kingdoms. Because the Army won't admit how much they have wasted manpower continually and almost fatally. Please, Senator WHEELER, don't let them hoodwink you. The only men who really know what is going on are the ones who are here at the scene.

Talk of demobilization is really a lot of words for the American people to read about. Action is characteristically slow if at all. The reenlistments of both officers and men is sufficiently high to allow all the men who have no desire to make the Army a career to return to civilian life.

There is a lot of thinking going on over here, Senator WHEELER, among the doctors, dentists, lawyers, and others who resolve, that if action isn't forthcoming soon from the present legislative body that there will be some changes made as soon as we get home. A common saying over here is: No boats, no votes. I, for one, intend to make myself heard in the State of Montana when I return, favorably or otherwise. We're tired of all the talk and no action.

Thank you very much for listening, Senator WHEELER. I would appreciate a reply to this letter.

Very truly yours,

MERCHANTVILLE, N. J., December 8, 1945.

MY DEAR SENATOR: Recently I read in the paper of the controversy you and Senator CONNALLY engaged in over the destruction of Army equipment in Australia. I don't know what happened there, but I do know what happened in India, Tezpur, India, anyway.

Soon after the war ended all surplus communications equipment, transmitters, receivers, compasses, etc., were thrown in a pile and run over with a Cle-track. The same treatment was accorded 180 brand new hack watches. One of the navigators in our squadron whose watch wasn't working just right attempted to trade it in for one of these new ones, but was turned down. Of course, the Army wouldn't give any of the watches to the GI's. Does big business run the Army, too, as it seems to everything else? Because the way we figured it out the watches were destroyed solely so as to prevent any inroads on the watch market back home.

One more question: Why hasn't some Congressman had enough gumption to get up in the House or Senate and demand that as a prerequisite to the large loan about to be made Britain that the British immediately withdraw all troops and equipment from Java? The peoples of the Far East, the Indians especially, had been expecting great things from the United States at the close of the war. Instead, no one in Washington as much as raises his voice in favor of the independence of these peoples.

What was the war fought for anyway? The Atlantic Charter and the "four freedoms" aren't worth the paper they were written on—if they ever were written down—and the Indian people, for one, are already beginning

to realize it. The Indian people are kind, friendly, and mild, but even they can stand only so much. Before long they will associate the silence of the United States on the question of Indian independence with acquiescence of British rule of India. This would indeed be a calamity for us.

Respectfully yours,

H. DOUGLAS CAMPBELL,
An Ex-GI.

ECONOMIC AND PRODUCTION GOALS OF FARMERS—ADDRESS BY SENATOR GUFFEY

[Mr. TUNNELL asked and obtained leave to have printed in the RECORD an address on the subject of economic and production goals of farmers, delivered by Senator GUFFEY before a farmers' conference at Altoona, Pa., on December 12, 1945, which appears in the Appendix.]

THE POTSDAM DECISIONS—EDITORIALS FROM THE CHRISTIAN CENTURY

[Mr. WHEELER asked and obtained leave to have printed in the RECORD two editorials from the Christian Century, dealing with the Potsdam decisions, which will appear hereafter in the Appendix.]

CALL OF THE ROLL

Mr. HILL. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll and the following Senators answered to their names:

Austin	Hart	Murray
Ball	Hawkes	Myers
Bankhead	Hayden	O'Daniel
Barkley	Hickenlooper	O'Mahoney
Billbo	Hill	Radcliffe
Bridges	Hoey	Reed
Brooks	Huffman	Revercomb
Buck	Johnson, Colo.	Robertson
Bushfield	Johnston, S. C.	Russell
Byrd	Kilgore	Shipstead
Capper	Knowland	Smith
Carville	La Follette	Stanfill
Chavez	Langer	Taft
Connally	Lucas	Thomas, Utah
Donnell	McClellan	Tobey
Downey	McKellar	Tunnell
Eastland	McMahon	Vandenberg
Ellender	Magnuson	Wagner
Ferguson	Maybank	Walsh
Fulbright	Mead	Wheeler
George	Millikin	White
Gerry	Mitchell	Wiley
Gossett	Moore	Willis
Green	Murdoch	Young
Guffey		

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent because of illness.

The Senator from Arizona [Mr. McFARLAND] is absent because of a death in his family.

The Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], the Senator from Louisiana [Mr. OVERTON], and the Senator from Tennessee [Mr. STEWART] are necessarily absent.

The Senator from Missouri [Mr. BRIGGS], the Senator from New Mexico [Mr. HATCH], the Senator from Nevada [Mr. MCCARRAN] and the Senator from Maryland [Mr. TYDINGS] are detained on public business.

The Senator from Florida [Mr. PEPPER] and the Senator from Oklahoma [Mr. THOMAS] are absent on official business.

Mr. WHITE. The Senator from Vermont [Mr. AIKEN] has been excused. He is necessarily absent.

The Senators from Nebraska [Mr. BUTLER and Mr. WHERRY] are absent on official business.

The Senator from Indiana [Mr. CAPEHART] is absent due to the necessity for special treatment for his recent injury.

The Senator from Oregon [Mr. CORDON] is absent on official business as heretofore stated.

The Senator from Maine [Mr. BREWSTER] is absent because of a death in his family.

The Senator from Massachusetts [Mr. SALTONSTALL] is necessarily absent.

The PRESIDING OFFICER (Mr. EASTLAND in the chair). Seventy-four Senators having answered to their names, a quorum is present.

THE PALESTINE PROBLEM—ORDER FOR CONSIDERATION OF SENATE CONCURRENT RESOLUTION 44

Mr. WAGNER. Mr. President, after conferring with the majority and minority leaders, and with the chairman of the Committee on Foreign Relations, and having obtained their consent, I ask unanimous consent that on Monday next, at the beginning of the session, the Senate proceed to consider Senate Concurrent Resolution 44, which deals with the Palestine problem, and that I may be permitted to address myself to the resolution when it is taken up.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York. The Chair hears none, and it is so ordered.

REORGANIZATIONS IN THE EXECUTIVE BRANCH—CONFERENCE REPORT

Mr. MURDOCK. Mr. President, I present the conference report on H. R. 4129, which is commonly referred to as the reorganization bill, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4129) to provide for the reorganization of Government agencies, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"TITLE I

"SHORT TITLE

"SECTION 1. This Act may be cited as the 'Reorganization Act of 1945'.

"NEED FOR REORGANIZATIONS

"SEC. 2. (a) The President shall examine and from time to time reexamine the organization of all agencies of the Government and shall determine what changes therein are necessary to accomplish the following purposes:

"(1) to facilitate orderly transition from war to peace;

"(2) to reduce expenditures and promote economy, to the fullest extent consistent with the efficient operation of the Government;

"(3) to increase the efficiency of the operations of the Government to the fullest extent practicable within the revenues;

"(4) to group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;

"(5) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and

"(6) to eliminate overlapping and duplication of effort.

"(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding under the provisions of this Act, and can be accomplished more speedily thereby than by the enactment of specific legislation.

"(c) It is the expectation of the Congress that the transfers, consolidations, coordinations, and abolitions under this Act shall accomplish an over-all reduction of at least 25 per centum in the administrative costs of the agency or agencies affected.

"REORGANIZATION PLANS

"Sec. 3. Whenever the President, after investigation, finds that—

"(1) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency; or

"(2) the abolition of all or any part of the functions of any agency; or

"(3) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; or

"(4) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

"(5) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reorganizations specified in the reorganization plan will not have, any functions,

is necessary to accomplish one or more of the purposes of section 2 (a), he shall prepare a reorganization plan for the making of the transfers, consolidations, coordinations, and abolitions, as to which he has made findings and which he includes in the plan, and transmit such plan (bearing an identifying number) to the Congress, together with a declaration that, with respect to each transfer, consolidation, coordination, or abolition referred to in paragraph (1), (2), (3), (4), or (5) of this section and specified in the plan, he has found that such transfer, consolidation, coordination, or abolition is necessary to accomplish one or more of the purposes of section 2 (a). The delivery to both Houses shall be on the same day and shall be made to each House while it is in session. The President, in his message transmitting a reorganization plan, shall specify with respect to each abolition of a function specified in the plan the statutory authority for the exercise of such function.

"OTHER CONTENTS OF PLANS

"Sec. 4. Any reorganization plan transmitted by the President under section 3—

"(1) shall change, in such cases as he deems necessary, the name of any agency affected by a reorganization, and the title of its head; and shall designate the name of any agency resulting from a reorganization and the title of its head;

"(2) may include provisions for the appointment and compensation of the head and one or more assistant heads of any agency (including an agency resulting from a consolidation) if the President finds, and in his message transmitting the plan declares, that by reason of transfers, consolidations and co-

ordinations made by the plan, the responsibilities and duties of such head are of such nature as to require such action. The head so provided for may be an individual or may be a commission or board with two or more members. In the case of any such appointment the term of office shall not be fixed at more than four years, the compensation shall not be at a rate in excess of \$10,000 per annum, and, if the appointment is not under the classified civil service, it shall be by the President, by and with the advice and consent of the Senate;

"(3) shall make provision for the transfer or other disposition of the records, property, and personnel affected by any transfer, consolidation, coordination, or abolition;

"(4) shall make provision for the transfer of such unexpended balances of appropriations available for use in connection with any function or agency transferred, consolidated, or coordinated, as he deems necessary by reason of the transfer, consolidation, or coordination for use in connection with the transferred, consolidated, or coordinated functions, or for the use of the agency to which the transfer is made, but such unexpended balances so transferred shall be used only for the purposes for which such appropriation was originally made;

"(5) shall make provision for winding up the affairs of any agency abolished.

"LIMITATIONS ON POWERS WITH RESPECT TO REORGANIZATIONS

"Sec. 5. (a) No reorganization plan shall provide for, and no reorganization under this Act shall have the effect of—

"(1) abolishing or transferring an executive department or all the functions thereof or establishing any new executive department; or

"(2) changing the name of any executive department or the title of its head, or designating any agency as 'Department' or its head as 'Secretary'; or

"(3) continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made; or

"(4) continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been made, or beyond the time when the agency in which it was vested before the reorganization would have terminated if the reorganization had not been made; or

"(5) authorizing any agency to exercise any function which is not expressly authorized by law at the time the plan is transmitted to the Congress; or

"(6) imposing, in connection with the exercise of any quasi-judicial or quasi-legislative function possessed by an independent agency, any greater limitation upon the exercise of independent judgment and discretion, to the full extent authorized by law, in the carrying out of such function, than existed with respect to the exercise of such function by the agency in which it was vested prior to the taking effect of such reorganization; except that this prohibition shall not prevent the abolition of any such function; or

"(7) increasing the term of any office beyond that provided by law for such office.

"(b) No reorganization plan shall provide for any reorganization affecting any agency named below in this subsection; except that this prohibition shall not apply to the transfer to such agency of the whole or any part of, or the whole or any part of the functions of, any agency not so named. No reorganization contained in any reorganization plan shall take effect if the reorganization plan is in violation of this subsection. The agencies above referred to in this subsection are as follows: Interstate Commerce Commission, Federal Trade Commission, Securities and Exchange Commission, National Mediation Board, National Railroad Adjustment Board, and Railroad Retirement Board.

"(c) No reorganization plan shall provide for any reorganization affecting any civil function of the Corps of Engineers of the United States Army, or of its head, or affecting such Corps or its head with respect to any such civil function. No reorganization contained in any reorganization plan shall take effect if the reorganization plan is in violation of this subsection.

"(d) No reorganization plan shall provide for a reorganization affecting any agency named below in this subsection if it also provides for a reorganization which does not affect such agency; except that this prohibition shall not apply to the transfer to such agency of the whole or any part of, or the whole or any part of the functions of, any agency not so named. No reorganization contained in any reorganization plan shall take effect if the reorganization plan is in violation of this subsection. The agencies above referred to in this subsection are as follows: Federal Communications Commission, Federal Deposit Insurance Corporation, United States Tariff Commission, and Veterans' Administration.

"(e) If, since January 1, 1945, Congress has by law established the status of any agency in relation to other agencies or transferred any function to any agency, no reorganization plan shall provide for, and no reorganization under this Act shall have the effect of, changing the status of such agency in relation to other agencies or of abolishing any such transferred function or providing for its exercise by or under the supervision of any other agency.

"(f) No reorganization specified in a reorganization plan shall take effect unless the plan is transmitted to the Congress before April 1, 1948.

"TAKING EFFECT OF REORGANIZATIONS

"Sec. 6. (a) The reorganizations specified in the plan shall take effect in accordance with the plan upon the expiration of the first period of sixty calendar days, of continuous session of the Congress, following the date on which the plan is transmitted to it; but only if, between the date of transmittal and the expiration of such sixty-day period there has not been passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the reorganization plan.

"(b) for the purposes of subsection (a)—

"(1) continuity of session shall be considered as broken only by an adjournment of the Congress sine die; but

"(2) in the computation of the sixty-day period, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days to a day certain; except that if a resolution (as defined in section 202) with respect to such reorganization plan has been passed by one House and sent to the other, no exclusion under this paragraph shall be made by reason of adjournments of the first House taken thereafter.

"(c) Any provision of the plan may, under provisions contained in the plan, be made operative at a time later than the date on which the plan shall otherwise take effect.

"DEFINITION OF 'AGENCY'

"Sec. 7. When used in this Act, the term 'agency' means any executive department, commission, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government. Such term does not include the Comptroller General of the United States or the General Accounting Office, which are a part of the legislative branch of the Government.

"MATTERS DEEMED TO BE REORGANIZATIONS

"Sec. 8. For the purposes of this Act any transfer, consolidation, coordination, abolition, change or designation of name or title,

disposition, winding up of affairs, or provision for the appointment and compensation of the head or assistant heads of an agency, referred to in section 3 or 4, shall be deemed a 'reorganization'.

"SAVING PROVISIONS"

"SEC. 9. (a) (1) Any statute enacted, and any regulation or other action made, prescribed, issued, granted, or performed, in respect of or by any agency or function transferred to, or consolidated or coordinated with, any other agency or function under the provisions of this Act, before the effective date of such transfer, consolidation, or coordination, shall, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law, have the same effect as if such transfer, consolidation, or coordination had not been made; but where any such statute, regulation, or other action has vested functions in the agency from which the transfer is made under the plan, such functions shall, insofar as they are to be exercised after the transfer, be considered as vested in the agency to which the transfer is made under the plan.

"(2) As used in paragraph (1) of this subsection the term 'regulation or other action' means any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

"(b) No suit, action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of any reorganization under the provisions of this Act, but the court may, on motion or supplemental petition filed at any time within twelve months after such reorganization takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the successor of such head or officer under the reorganization so effected, or, if there be no such successor, against such agency or officer as the President shall designate.

"UNEXPENDED APPROPRIATIONS"

"SEC. 10. The appropriations or portions of appropriations unexpended by reason of the operation of this Act shall not be used for any purpose, but shall be impounded and returned to the Treasury.

"PRINTING OF REORGANIZATION PLANS"

"SEC. 11. If the reorganizations specified in a reorganization plan take effect, the reorganization plan shall be printed in the Statutes at Large in the same volume as the public laws, and shall be printed in the Federal Register.

"TITLE II"

"SEC. 201. The following sections of this title are enacted by the Congress:

"(a) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in section 202); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

"(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

"SEC. 202. As used in this title, the term 'resolution' means only a concurrent resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: 'That the Congress does not favor the reorganization plan numbered _____ transmitted to Congress by the President on _____, 19 __, the blank spaces therein

being appropriately filled; and does not include a concurrent resolution which specifies more than one reorganization plan.

"SEC. 203. A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of, the Senate or the Speaker of the House of Representatives, as the case may be.

"SEC. 204. (a) If the committee to which has been referred a resolution with respect to a reorganization plan has not reported it before the expiration of ten calendar days after its introduction (or, in the case of a resolution received from the other House, ten calendar days after its receipt), it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such reorganization plan which has been referred to the committee.

"(b) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to not to exceed one hour, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

"(c) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same reorganization plan.

"SEC. 205. (a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

"(b) Debate on the resolution shall be limited to not to exceed ten hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"SEC. 206. (a) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a reorganization plan, and all motions to proceed to the consideration of other business, shall be decided without debate.

"(b) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate.

"SEC. 207. If, prior to the passage by one House of a resolution of that House with respect to a reorganization plan, such House receives from the other House a resolution with respect to the same plan, then—

"(a) If no resolution of the first House with respect to such plan has been referred to committee, no other resolution with respect to the same plan may be reported or (despite the provisions of section 204 (a)) be made the subject of a motion to discharge.

"(b) If a resolution of the first House with respect to such plan has been referred to committee—

"(1) the procedure with respect to that or other resolutions of such House with respect to such plan which have been referred to committee shall be the same as if no resolution from the other House with respect to such plan had been received; but

"(2) on any vote on final passage of a resolution of the first House with respect to such plan the resolution from the other House with respect to such plan shall be automatically substituted for the resolution of the first House."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

PAT MCCARRAN,
CARL A. HATCH,
ABE MURDOCK,
CHAPMAN REVERCOMB,
H. ALEXANDER SMITH,

Managers on the Part of the Senate.

CARTER MANASCO,
JOHN J. COCHRAN,
WILL M. WHITTINGTON,
CLARE HOFFMAN,
GEORGE H. BENDER,

Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

Mr. WHITE. Reserving the right to object; this, I take it, is the conference report on the reorganization bill.

Mr. MURDOCK. That is correct.

Mr. WHITE. Is it signed unanimously?

Mr. MURDOCK. Yes; it is.

Mr. WHITE. Have the minority members of the conference committee on the part of the Senate approved the report?

Mr. MURDOCK. They have.

Mr. KNOWLAND. Mr. President, will the able Senator who has presented the conference report briefly outline what changes have taken place in conference on the reorganization bill?

Mr. MURDOCK. Will the Senator ask specific questions?

Mr. KNOWLAND. How does the bill as it came from conference differ from the bill as it was passed by the Senate?

Mr. MURDOCK. The bill, as it came from conference, differs from the bill as passed by the Senate in the exemptions retained in the conference report. Some of the exemptions contained in the bill as it passed the Senate were eliminated entirely, and others were placed in a class which, in the event they are contained in any reorganization plan prepared by the President must be set forth separately and must not be included on any plan which also provides for a reorganization which does not affect such agency. I read from the language of the report:

No reorganization plan shall provide for a reorganization affecting any agency named below in this subsection if it also provides for a reorganization which does not affect such agency.

In other words, the conferees felt that with respect to the agencies, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the United States Tariff Commission, and the Veterans' Administration, if the President wanted to reorganize in any way one of those agencies he must do so separately and according to the language just read. He cannot submit to Congress anything in a plan affecting any

one of those agencies if it involves a reorganization which does not affect that particular agency. The conferees felt that with respect to those agencies Congress should have the right to pass on them separately and exclusively and thus avoid combining them with numerous other agencies.

The agencies which were wholly exempted in the conference report are the Interstate Commerce Commission, the Federal Trade Commission, the Securities and Exchange Commission, the National Mediation Board, the National Railroad Adjustment Board, and the Railroad Retirement Board. The only way that any of the agencies just named can be reorganized or affected by reorganization is by the addition to them of some other agency, some other bureau, some other personnel, or adding to the functions they already exercise. But nothing can be taken away from them.

Mr. KNOWLAND. Mr. President, will the Senator yield at that point?

Mr. MURDOCK. I yield.

Mr. KNOWLAND. Specifically, for my own information, I wanted to find out what agencies had been eliminated from the bill as passed by the Senate. For instance, the Maritime Commission, and I think several other agencies which were inserted in the bill by the Senate have been stricken out by the conferees.

Mr. MURDOCK. The Maritime Commission went out and the land banks, the Federal Power Commission, and one or two other agencies. We were unable to get the House conferees to agree with respect to them. We were successful, however, respecting the ones which I have named, in agreeing that any reorganization of them must be brought before Congress separately.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. VANDENBERG. I was held in committee and have not had the benefit of the Senator's statement. Will he be good enough to repeat the status of FDIC under the conference report?

Mr. MURDOCK. The FDIC is included in that category of agencies which cannot be reorganized if the plan in which they may be affected provides for a reorganization which does not affect such agency, but they are subject to reorganization in a separate and exclusive plan. The House conferees were unwilling to agree to their entire exemption, along with the Interstate Commerce Commission, the Federal Trade Commission, the Securities and Exchange Commission, the National Mediation Board, the National Railroad Adjustment Board, and the Railroad Retirement Board, but did agree to exempt them from any reorganization plan that involves a reorganization which does not affect such agency. So, if the President sees fit to reorganize the FDIC he must send up a separate plan dealing with FDIC alone.

Mr. VANDENBERG. Then, for instance, if there were an attempt to close the FDIC into, let us say, the Comptroller's office, what would the situation be?

Mr. MURDOCK. I would say that the President could, under the bill, send up a plan which would transfer the FDIC to

the Comptroller of the Currency or, let us say, to the Federal Reserve System, but nothing else could be included in that reorganization not affecting the FDIC. So the Congress has the right to pass exclusively on the question whether or not it wishes anything done with the FDIC or any other agency included in this category.

Mr. VANDENBERG. Will the Senator tell me on what possible theory the SEC is considered to be more sacred from tampering than the FDIC?

Mr. MURDOCK. I cannot explain that, but I am sure the Senator understands that in conferences of this kind there must be an attitude of give and take. The Senate conferees felt that they did the best they possibly could in the matter, and we are hopeful that the Senate will agree to the conference report.

Mr. VANDENBERG. I agree with the Senator that in conferences an attitude of give and take is necessary; but I am not prepared to agree that any give and take is justified in connection with the status of the FDIC, which is the steel beam under American confidence in the fiscal system of this country. I am very much disappointed that the House of Representatives should have insisted upon any sort of license to manipulate the FDIC. Without any reflection upon the able Senator from Utah and the service which I know he has rendered—and I know that his sympathy is with the FDIC—I am unable to vote for a conference report which allows any latitude in respect to the FDIC, because I think it is the No. 1, triple A agency of the Government which ought to be exempted.

Mr. MURDOCK. I am in full agreement with the Senator as to the very distinguished record which that agency has made, and I would have much preferred to have exempted it entirely, but that was impossible in the conference and our insistence on exemption of FDIC, in my opinion, would have precluded a reorganization law.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. TAFT. Will the Senator tell us what was done with the amendment which I offered, and which was adopted by the Senate, prohibiting any change in legislation enacted by the Congress since the first of January of this year?

Mr. MURDOCK. I did not understand the first part of the Senator's question.

Mr. TAFT. I am asking what was done with the amendment which I offered, which is section 5 (e), I believe, which provided that no change should be made in a reorganization plan contrary to a statute enacted by the Congress since the first of January of this year.

Mr. MURDOCK. We were able to get the House to agree to the following language, which is in the report on page 4:

(e) If, since January 1, 1945, Congress has by law established the status of any agency in relation to other agencies or transferred any function to any agency, no reorganization plan shall provide for, and no reorganization under this act shall have the effect of, changing the status of such agency in relation to other agencies or of abolishing any such transferred function or providing for its

exercise by or under the supervision of any other agency.

The language which the Senator offered to the conference in the way of an amendment was very seriously considered by the conference but ultimately rejected.

Mr. TAFT. The language read by the Senator, which was adopted by the conferees, covers the matters which I had in mind, except that it does not cover the fixing of powers within an agency. Let me cite an example of what I have in mind. The other day we had before us for consideration the hospital bill, and we passed it, with the provision that the Federal Hospital Council should have final authority over the Surgeon General on the question of prescribing regulations with which the States must comply. That was attempted to be changed by the Senator from Montana [Mr. MURRAY], and the Senate voted down the proposal and made that power final. It seems to me that the day after this act is passed, under a reorganization plan the President could reverse that action and take away that power within the agency from the Federal Hospital Council and give it back to the Surgeon General.

I realize the difficulties which the Senator had, but I believe that if any reorganization plan should be submitted deliberately reversing an action of that kind which the Congress had just taken, even though there were other important things in the plan, I would feel called upon to oppose it. I hope the President will feel that he should not in any case reverse any action taken by the Congress since January 1, even with respect to the fixing of powers within an agency which is not now covered by the amendment, because I believe it would endanger the success of the entire plan if he should do so.

Mr. MURDOCK. I agree with the Senator that when the Congress has deliberately taken certain action it would be inconsistent for the President, having approved such action, to interfere with it by reorganization. However, I invite the Senator's attention to this factor, which was the basis of the objection of the House conferees to the intra-agency reorganization which would be precluded if the language suggested by the able Senator had been included in the bill: The House conferees pointed out that in nearly every appropriation bill there are many intra-agency distributions of functions which are given of necessity little attention by the Congress, and that if the language which was suggested by the Senator had been included, whatever was done in any of the appropriation bills would be a prohibition against the President interfering with or changing anything in the way of functions which had been prescribed in an appropriation bill. The House conferees felt that such a provision would be too restrictive.

Mr. TAFT. If we should see fit to place legislation in an appropriation bill, I do not see why it would not be like any other legislation. I quite agree that if it were merely a restriction on the use of funds for a year, it would be quite proper to change it.

Mr. MURDOCK. The difficulty we had was in finding language which would fit that kind of a situation.

Mr. TAFT. I appreciate what the Senator has done.

Mr. MURDOCK. We did everything we could to try to meet the views of the Senator. The Senator knows what my attitude was on the floor of the Senate toward his amendment. I thought it was a reasonable amendment.

Mr. VANDENBERG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. HOEY in the chair). The Senator will state it.

Mr. VANDENBERG. Is it correct to say that under the existing parliamentary situation a motion to recommit the bill to the conferees would not be in order?

The PRESIDING OFFICER. The House having already agreed to the report, such a motion would not be in order.

Mr. VANDENBERG. So it is impossible to move to recommit. Therefore, if Senators wish to object to the conference report, the only course left is to vote down the conference report, which would permit of a new conference. Is that correct?

The PRESIDING OFFICER. A further conference could be asked.

Mr. VANDENBERG. Under those circumstances, Mr. President, I am left with no alternative to voting against the conference report. I am very sorry to be compelled to take that position. I realize that the able Senator from Utah has probably done everything within his power under the existing circumstances to obtain an agreement with the House. However, if the Senate were to take this action, perhaps the House might realize more definitely how deeply some of us feel about this matter, and might reconsider. I have the total conviction that there is nothing so important at this uncertain moment of flux in the economic life of America as that the American people should continue to be able to sleep at night in respect to the sanctity of their banking system and the security of their deposits. If it had not been for the total and magnificent confidence which the American people had in their banking system and the sanctity of their deposits as a result of the operations of the FDIC during the past 12 hectic years, God only knows what would have happened in the United States. We are still in the throes of the same economic uncertainty. The one thing which the American people are sure of is that their bank deposits are safe. The Federal Deposit Insurance Corporation has been magnificently operated and has made a superb contribution to American confidence during these difficult days. I know of nothing more important, as a matter of fundamental psychology, than that it should be removed from any possibility of suspicion that it is going to be manipulation into some sort of a different status or a different organization; and, so far as I am concerned, I am going to ask the Senate to vote "no" on the conference report, under those circumstances.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. SMITH. I may say to the distinguished senior Senator from Michigan that this matter was a subject of discussion among the conferees, and I hope the Senator realizes that two classifications are provided for. One forbids touching in any way certain designated boards or agencies, and the other implies that there may be possible improvements or strengthening of some boards, and, if so, it provides that each must be handled under a separate recommendation by the President, not under a general plan. I was willing to have the Federal Deposit Insurance Corporation included in the second class, with the understanding that if the President sends to Congress a plan regarding the Federal Deposit Insurance Corporation, it can be acted on separately. But by adopting such a provision we do not exclude it from the possibility of improvement.

Mr. VANDENBERG. Mr. President, some of the agencies are given full protection; some are given half protection. I will ask my able friend the Senator from New Jersey to indicate to me any agency to which the conference report gives full protection, which is as remotely important to the American psychology of individual security in these days as is the Federal Deposit Insurance Corporation.

Mr. SMITH. I agree absolutely with the Senator's implication. I know of nothing more important, and in the conference I took the position that the Federal Deposit Insurance Corporation should come under class 1, the class of agencies to be entirely exempted. But there were arguments on the other side. Inasmuch as the President would have to give the Congress his full reasons for suggesting the reorganization of such agencies and inasmuch as there was a desire to have the possibility of reorganization made as broad as possible, I thought it might be wise to cover the Federal Deposit Insurance Corporation in the report and to provide that it should be left open to strengthening and improvement. We all agree regarding its value and importance in the period of reconstruction.

Mr. VANDENBERG. Mr. President, the Senator from New Jersey has said that the Federal Deposit Insurance Corporation is put in this twilight zone by the conference report in order to leave it open to strengthening and improvement. Of course, any plan which might be proposed for reorganization would be offered in the name of improvement and strengthening. That is not the point. The point is that the Federal Deposit Insurance Corporation is so fundamentally important in this continuing period of economic flux in America, so fundamentally important to the confidence of the American people in the security of their bank deposits, and the only source of the absolute feeling of security which they now have respecting any phase of their economic life—I say it is so important that we should not invite even an argument over some form of reorganization which is alleged to be in the interest of improvement. There is no justification on the record, Mr. President, for contemplating that this par-

ticular agency can be reorganized by way of improvement, because it has been 100 percent successful in every objective to which it has been directed. Furthermore, it has been operated at a minimum of expense, with a maximum of success, so that it now represents a billion-dollar asset to the Federal Government. It is in a position to repay every penny which ever was put into it. It has a record which defies comparison with that of any other instrumentality of the Government; and if some instrumentalities are to be set to one side as totally free of any danger of any manipulation, I submit this is the agency of all agencies which belongs in that classification.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. MURDOCK. Does the Senator have any objection to taking the powers of examination from the Comptroller of the Currency, let us say, and giving them to the Federal Deposit Insurance Corporation?

Mr. VANDENBERG. I am not sure whether I have any objections. I realize the argument which can be made for consolidating the examinations of banks; but I know of no advantage to be gained from that particular procedure which remotely would compensate for the danger to the confidence of the American people in the security of their bank deposits which would result from opening even a back door to an assault upon the Federal Deposit Insurance Corporation.

Mr. MURDOCK. Of course, Mr. President, the Senator's whole argument is predicated, as I understand it, on the assumption that the President of the United States would have some reason to injure an agency for which he voted, which was sponsored by the administration to which he belonged, and in which, in my opinion, his interest is just as sincere as is the interest of the distinguished senior Senator from Michigan.

Mr. VANDENBERG. I agree that undoubtedly the President has that interest. My argument is not predicated upon the premise the Senator has indicated. My argument is premised on the fact that this conference report does identify half a dozen agencies of the Government which are considered to be so important that they must be in a preferred class, but the conference report does not put the Federal Deposit Insurance Corporation in that preferred class.

Mr. DOWNEY. Mr. President—

Mr. MURDOCK. Mr. President, will the Senator yield for this question—

Mr. VANDENBERG. I yield again to the Senator from Utah.

Mr. MURDOCK. Certainly the Senator knows the distinction, without my elaborating on it here, between the Interstate Commerce Commission and the Federal Deposit Insurance Corporation.

Mr. VANDENBERG. I certainly do know the distinction, and the Interstate Commerce Commission does not for an instant measure up to the importance in the intimate life of the American people today which the Federal Deposit Insurance Corporation has.

Mr. MURDOCK. I admit that. But its functions are entirely different. They are quasi legislative and quasi judicial; that is true.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. VANDENBERG. As soon as the Senator from Utah has concluded, I shall yield to the Senator from California. I am yielding to the Senator from Utah at the moment.

Mr. MURDOCK. Mr. President, if the Senator from California has something more important to say, I shall be glad to subside.

Mr. VANDENBERG. I shall be happy to yield to the Senator from California as soon as the Senator from Utah has concluded.

Mr. MURDOCK. Mr. President, the distinction which was made was not carried through to its logical conclusion with reference to some other agencies. But that is the distinction which was made in regard to the Federal Deposit Insurance Corporation, which is exclusively and wholly an executive or administrative agency, rather than one with quasi-judicial and quasi-legislative powers.

Mr. VANDENBERG. Does the Senator say that the Securities and Exchange Commission is in that classification?

Mr. MURDOCK. Yes; it has certain quasi-judicial and quasi-legislative functions.

Mr. VANDENBERG. It is a far stretch of the imagination for me—

Mr. MURDOCK. I do not question the Senator has made, namely, that today no agency of Government is more closely related to the individual citizen than is the FDIC. But I think it is a little unfair to assume that the present President of the United States would do anything to injure or interfere with the great record which has been made by the FDIC. We should not forget in our debate that the FDIC is a creature of the Roosevelt administration; that a Democratic President and a Democratic Congress may be depended upon to protect this great and important agency from any real or even imaginary injury. I know of no law enacted during my tenure of office in Congress from which I get more comfort and take greater pride in than the law which launched the FDIC. I assure the distinguished Senator from Michigan that I will be constantly on the alert for any plan affecting this agency.

Mr. VANDENBERG. Let me stop the Senator there. I am making no such assumption as he implies. But I may say that when we do not put the FDIC in the top classification where it is exempt from reorganization, but in a lower classification where there is an invitation to some sort of reorganization, we are taking from it the maximum protection which we are giving to other agencies. My argument is not based in any way whatsoever upon any lack of confidence in the President. It is based solely on the proposition that so long as we have any categories, the FDIC is entitled to be placed in the top category.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield to the Senator from California.

Mr. DOWNEY. Mr. President, in view of the very emphatic and determined position which is being taken by the Senator from Michigan, and the extent to which the debate is proceeding, I am reluctantly compelled to call for the regular order of business.

Mr. HILL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HILL. The conference report cannot be set aside, can it, Mr. President?

The PRESIDING OFFICER. The only point to which privilege attaches is the presentation of the report. The determination of it is not privileged. The Senator from California has a right to demand the regular order.

Mr. HILL. I hope the Senator from California will not insist upon his demand. This is a very important report, and it must be disposed of before the recess.

Mr. DOWNEY. Mr. President, I must admit that I am in a very embarrassing position. For about 10 days the acting majority leader has been requesting from time to time that the Senate lay aside consideration of the Federal pay bill. The distinguished Senator from Tennessee has notified me that he will attempt to proceed with the deficiency bill late this afternoon, and unless some agreement is reached not to continue with consideration of the Federal pay bill, I believe the proper thing to do under all the circumstances with which the Senate is now familiar, is to proceed with consideration of the bill at this time. The Senator will remember that I endeavored to accommodate the distinguished Senator from Virginia, our acting majority leader, and other Senators, by agreeing that the Federal pay bill might be put over until noon today. I thoroughly understand the jeopardy I am in, but I most assuredly think that the Federal pay bill has rights. If I can now force consideration of that bill I shall attempt to do so. Of course, if for some reason of its own the Senate wants to take a different viewpoint, the responsibility is off my conscience.

Mr. HILL. So far as the agreement was concerned to postpone consideration of the Federal pay bill until some time today, I do not think I was a party in requesting that that be done. I believe that the Senator from California acceded to the wishes of the Senator from Virginia. The conference report will have to be disposed of before there may be any recess. It has been under consideration already for approximately 40 or 45 minutes. I certainly hope that the Senator from California will permit the Senate to proceed to final action on the report.

Mr. DOWNEY. Mr. President, as chairman of the Civil Service Committee, I think that the Senate of the United States is placing itself in a dubious position by trying, through one method or another, to impede consideration of the Federal pay bill. If it is desired not to proceed with its consideration, I shall be willing to wait until a quarter after 1 o'clock. The Senator from Michigan has assumed a strong position with regard to

the conference report. I have no way of knowing how much time consideration of the report may consume. The Federal pay bill has been on the Senate floor for a very considerable period of time, and the conference report has only just been presented to the Senate.

Mr. VANDENBERG. The Senator will acquit me of any purpose to interfere with his program.

Mr. DOWNEY. I wish to say immediately and very emphatically that I desire to give the Senator from Michigan, as well as other Senators, full latitude in arguing the very important matter which has been discussed on the floor of the Senate.

Mr. VANDENBERG. I am willing to present my objections to what I consider to be a very vital weakness in the conference report.

Mr. DOWNEY. I am certain that within a very few days if only the Federal pay bill is before the Senate we will not have a quorum. I know that the distinguished leaders will keep a quorum present in order to dispose of the conference report. However, we owe the million and a half or two million employees of the Government the obligation of acting upon their bill. I am not anticipating what any Senator will do, but I do know that the bill has been before the Senate for at least 10 days.

Mr. VANDENBERG. How many employees did the Senator state?

Mr. DOWNEY. I said a million and a half or two million.

Mr. VANDENBERG. Very well; I am speaking in behalf of 60,000,000 bank depositors in the United States.

Mr. DOWNEY. Allow me to say that so long as the conference report is pending its rights are certainly not being imperiled.

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. Rule 27 provides that "the presentation of conference reports shall always be in order." I think the conference report has been presented. Am I correct in understanding that the conference report has been presented, Mr. President?

The PRESIDING OFFICER. It has been presented, and the presentation of a conference report is always in order.

Mr. TAFT. The rule further provides that "when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate." I raise the question, Mr. President.

The PRESIDING OFFICER. No motion has been made. If it is made, it is entitled to be voted upon.

Mr. TAFT. I move that the Senate proceed to the consideration of the conference report. That motion is not debatable, Mr. President, as I understand it.

The PRESIDING OFFICER. The motion is not debatable.

Mr. MURDOCK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MURDOCK. When a conference report is taken up by unanimous consent, is there any need for a motion of the kind which has been made?

The PRESIDING OFFICER. The conference report has already been brought before the Senate for consideration, but the regular order has been called for. When the regular order is called for, a motion may be made to proceed with the consideration of the conference report.

Mr. MURDOCK. I thank the Chair.

The PRESIDING OFFICER. The motion of the Senator from Ohio that the Senate proceed to the consideration of the conference report is not debatable. The question is on agreeing to the motion.

The motion was agreed to; and the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. LA FOLLETTE. Mr. President, I wish to say a word in this connection. I want to subscribe, if I may be privileged to do so, to the remarks which have been made by the distinguished Senator from Michigan [Mr. VANDENBERG]. I believe that if there is any agency of the Government which is entitled to complete exemption under the reorganization proposal, it is the Federal Deposit Insurance Corporation. I may also say, Mr. President, that for the life of me I cannot understand the reason for the treatment which has been given by the conferees to the Federal Power Commission. The Federal Power Commission belongs in the same category with the other agencies which have been exempted, and yet it has been left naked to the winds. I cannot understand what motivated the conferees in according such treatment to that agency unless it be that the agency has been active in protecting the consumers of this country.

Mr. President, I find myself in a position where I must oppose the conference report on the grounds stated.

Mr. MURDOCK. Mr. President, the only answer to the Senator from Wisconsin is that both Houses of Congress have acted on the reorganization bill. Congress wants reorganization, and if the conferees on the part of the Senate had taken the position that they would not deviate from the Senate's position, of course, there would be no reorganization.

Mr. LA FOLLETTE. If the conferees on the part of the Senate had taken the position that some logic should be applied in the treatment of these various agencies and had required the House conferees to return to the House and request that a separate vote be taken on the proposition in that body, I think they would have been in a much better position than they are now in.

Mr. MURDOCK. I ask the Senator from Wisconsin if he will always be willing to underwrite the logic which motivates the actions of either House.

Mr. LA FOLLETTE. No; I will not be willing. I would prefer to be in a position where I felt that the Senate conferees had been willing to make a fight for the position of the Senate to the point of forcing the House conferees to

take the matter to the House for a separate vote, than to permit a situation to arise which might result in a perfectly illogical determination of what agencies of the Government are to be excluded from the proposed legislation and what ones are not to be excluded. The Senator cannot find logic in the treatment which has been accorded the Federal Deposit Insurance Corporation or the Federal Power Commission.

Mr. MURDOCK. I might not find logic which would be satisfactory to the distinguished Senator from Wisconsin; but his implication that the Senate conferees did not make a fight is incorrect.

Mr. LA FOLLETTE. They did not make a fight to have the conferees on the part of the House take the proposition back to the House for a vote.

Mr. MURDOCK. Because the House conferees assured us that it would be futile to do such a thing.

Mr. LA FOLLETTE. They always do that.

Mr. MURDOCK. That is true.

Mr. LA FOLLETTE. In other words, the Senate conferees caved in before they made a last-ditch fight.

Mr. MURDOCK. I do not think it is fair to say that there was any caving in. We made all the fight we thought was justified in the light of the ultimate objective of getting a reorganization bill.

Mr. President, every Senator can stand on his feet and make a plea for some agency of government that should have been exempted. We went through that for 20 days here on the floor. The same thing is true of the debate in the House of Representatives. Now, if we have got to go through that same debate and same argument again on the conference report, my claim is that there will be no reorganization in the executive department.

I hope that the conference report will be agreed to.

Mr. DONNELL. Mr. President, I find myself unable to vote in favor of the adoption of the conference report. The reason for my position in this matter has been very extensively stated on previous occasions but in order that there may be no possible misunderstanding as to the basis on which I shall be unable to vote for the report and shall vote against it, I call attention specifically to one portion of the report. It is provided on the first page of the conference report:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following—

And on page 4 of the conference report, included in the language which is to be inserted, is the following:

SEC. 6. (a) The reorganizations specified in the plan shall take effect in accordance with the plan upon the expiration of the first period of 60 calendar days, of continuous session of the Congress, following the date on which the plan is transmitted to it; but only if, between the date of transmittal and the expiration of such 60-day period there has not been passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the reorganization plan.

Mr. President, I shall be unable to support the conference report for the reason that in my opinion the language which is thus proposed to be inserted violates

the Constitution of the United States of America as a delegation of legislative power to the President.

I shall not undertake to argue extensively this proposition. My position upon the matter is clear and is set forth with the best clarity of which I am capable in previous reports of the debates upon the reorganization bill. I do not care to go over the argument again, but I wish once more to refer to section 1 of article I, of the Constitution of the United States, which reads:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Likewise I refer to the language which appears in the case of Field against Clark in a decision of the Supreme Court of the United States from the lips of Mr. Justice Harlan, in One Hundred and Forty-third United States Reports, page 649:

That the Congress cannot delegate legislative power to the President is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. DONNELL. I yield for a question.

Mr. CONNALLY. What does the Senator say as to this constitutional question: Congress had the power to create these departments, which it did, for when the Constitution was first adopted they did not exist. Since it had the power to create them originally and has the power to abolish them entirely, does it not have the power to supervise their reorganization and to authorize the President, as a ministerial matter, to reorganize them and change their functions?

Mr. DONNELL. The question asked by the distinguished Senator from Texas raises again the proposition which was presented here extendedly some few weeks ago, namely, that this bill, in the first place, does not set up standards by which the President shall act which are sufficiently definite or clear to save it from the prohibition contained in the constitutional provision I have read.

It is true that Congress had a perfect right to create these various agencies, and by like token, inasmuch as the right to create them rests in Congress, the right undertaken to be delegated by this bill cannot be delegated to the President of the United States.

Mr. CONNALLY. Mr. President, will the Senator yield further?

Mr. DONNELL. I yield.

Mr. CONNALLY. If Congress should pass an act authorizing the President of the United States on the 1st of next January to abolish the OPA, would that be constitutional?

Mr. DONNELL. I should say that that would involve a statute or the repeal of a statute and would be clearly a violation of the Constitution of the United States.

I am not familiar with all the details of the creation of the OPA, whether or not by regulation, whether or not by statute, or what the provisions are, but I undertake to say and to repeat that where Congress has within itself power to create an agency, and has created it, it cannot delegate to the President of

the United States the power to repeal the legislation which the Congress has itself enacted.

I have cited on other occasions a number of decisions of the Supreme Court and one of the upper or appellate courts—the Circuit Court of Appeals—on this proposition. I have referred also on this floor to the statement in the report of the Judiciary Committee of the Senate concerning the provision of the bill, setting forth that the contemplated reorganization would take effect unless it was disapproved by one House of Congress, and I have cited the fact that the Judiciary Committee of the Senate in its report has itself not once, but at least four times, definitely and clearly in express language stated that the procedure thus proposed is a delegation of legislative power.

Mr. President, we have no ability, no power to transfer to the President the duties which rest upon the shoulders of Congress. We have not merely powers, Mr. President, we have responsibilities. The exclusive law-making power of our Government is possessed by the Congress of the United States and not by the President of the United States, and no action which this body, or both Houses of Congress, can take can legitimately, legally, or constitutionally delegate that power or responsibility to the President of the United States.

Mr. President, I trust my position in this matter is clearly contained within the records of the debates. I shall not argue it further, but I wish to make it perfectly clear that, upon sound ground, as I see it, that the legislation proposed as set forth in the conference report violates the Constitution of the United States, as constituting a delegation of legislative power, I shall decline to vote for the conference report.

Mr. President, I call attention to the fact that under the provision of the proposed statute, if it be enacted, it will be possible for the President to prepare and transmit to Congress measures which will have the full force and effect of law, setting aside, repealing, or altering existing provisions of law which have endured already, perhaps, for a hundred years, in some cases, and if Congress does nothing whatsoever with respect to the proposed plan of reorganization, it will become effective. If that is not a delegation of legislative power to the President it seems to me it is impossible to find or imagine an instance in which a delegation of power would occur.

I stated a few moments ago, Mr. President, that there are no adequate standards provided by the bill by which the President of the United States shall be governed in the proposed preparation and transmittal of a reorganization plan. The distinguished Senator from North Carolina [Mr. HOEY], now presiding over the Senate, will doubtless recall that if the President shall find, in substance, that the reorganization plan which he prepares will conduce to the orderly transition from war to peace conditions, his reorganization plan may be drawn and will become effective if every Member of Congress shall go to sleep, shall go home for the Christmas holidays, or lock

up his office and take no action whatsoever.

Mr. President, as I see it, no Members of the Senate, so far as I know, are opposed to the reorganization of the governmental agencies known as the executive agencies. I see sitting in the Senate Chamber this afternoon the distinguished junior Senator from Virginia [Mr. BYRD], who has valiantly presented to the Senate and to the Nation the importance of further economy in National Government and the importance of reorganization. I recall now, as I did a few days ago, that the distinguished Senator from Virginia has totally and exactly reversed himself from the position which he took in 1939 on this question of delegating power to the President. He very frankly stated to the Senate a few days ago, in substance, that he is doing so from a consideration of desperation, as he put it, at the inability, in his judgment, to procure a reorganization unless the powers proposed to be vested in the President by the bill shall be so vested in him.

Mr. President, I insist today, with all the vigor and earnestness within my power, that considerations of expediency should never be permitted to overcome or overwhelm us in the performance of the duties which every Member of the Senate has sworn or taken affirmation to follow and support. I undertake to say that the proposed legislation provides no adequate standards, provides nothing which, by the strongest stretch of the imagination, it seems to me, can constitute an adequate standard by which the President shall be governed. The proposed legislation leaves it to the President to prepare a plan which may set aside statutory enactments of the Congress over a century of time. Under it the plan so prepared shall become effective, not conditioned upon approval by Congress, but conditioned upon non-disapproval by Congress, a plan under which, as I have said, every Member of Congress could go to sleep, or lock up his office, or go home and do nothing for the remainder of his term, and still the provisions of the statute would become binding law in the United States.

I say such a plan as that is clearly violative of the Constitution of the United States; that it amounts clearly to an attempt to delegate to the President a legislative power, and constitutes, clearly, as the Committee on the Judiciary, composed of some 17 Members of the Senate, said at four different places in its report, a delegation of legislative power; and I quote verbatim from the report, I think.

I submit, Mr. President, that it is a clear violation of our constitutional duties to enact the legislation as it is set forth in the conference report. Therefore I shall be unable to support the report, although I am for reorganization. I am for a reorganization which shall be prepared, perhaps, by the President and transmitted to Congress. I have no objection to that. Perhaps it may be prepared by Congress, but certainly it should be a reorganization which will not go into effect unless it shall have first received the affirmative approval of both Houses

of the United States Congress, in which exclusively, under the Constitution of the United States, the entire legislative power of our Government is vested.

Mr. REVERCOMB. Mr. President, as one of the conferees on behalf of the Senate, I feel that I should make a statement in view of the debate which has proceeded this morning.

Let me say that when the legislation upon reorganization was first started, as a member of the subcommittee of the Committee on the Judiciary considering the legislation, I took the position that any reorganization should be written into a bill in complete form, and presented to the President. I held to that position for some length of time. However, I was told by some of my elders of the Senate that it could never be done, that it was not workable, that reorganization could never be obtained if that method were pursued. I gave way to the views of those who had dealt with the subject longer than I had.

If proof ever were needed of the correctness of my advisers, it has been afforded here this morning. Every Senator has his own view, particularly as to what agencies of the Government should be reorganized. I shall not debate this morning that the Federal Deposit Insurance Corporation should be or should not be reorganized. The fact is that I hold to the view stated by the Senator from Michigan. I shall not debate the subject whether or not the Federal Power Commission should be exempted totally. But I do say to the Senate that the Senate conferees met day after day upon the bill and earnestly supported the bill that was passed by the Senate. I further wish to say that if the conference report shall be voted down and returned to conference, I do not believe we will get a bill on reorganization.

Mr. VANDENBERG. Mr. President, will the Senator from West Virginia yield?

Mr. REVERCOMB. I yield.

Mr. VANDENBERG. I should not want to have that happen. I respectfully suggest to the Senator that if the conference report shall be voted down and a new conference sought, and the House conferees are asked to take this one item back to the floor for a separate vote, I do not see how they can resist the request, and I should be willing to abide by the result.

Mr. REVERCOMB. The Senator refers to the one item in which he is interested. The Senator from Wisconsin is interested in another item. The Senator from Missouri says he cannot support the report because it provides the feature of double veto by the Congress upon the report.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. REVERCOMB. I yield.

Mr. DONNELL. Not the question of double veto; it is the fact that the bill does not reserve to the Congress the right first to approve the plan before it shall become effective. I do not regard as particularly important, from the standpoint of constitutionality, the question whether the disapproval of one House or the disapproval of both Houses shall be

that which shall prevent the act from going into effect. My point is that the plan which shall be presented by the President should not go into effect unless it first receives the approval of both Houses of Congress by joint resolution of the two Houses.

Mr. REVERCOMB. I think I understand the position of the Senator from Missouri quite well.

If we go back to conference and obtain one change, or obtain two changes, there will still exist opposition to the bill. In my opinion, therefore, Mr. President, it comes down to this: The Senate conferees have done the best they could to bring forth a bill for reorganization which would be passed by the House of Representatives, and we hope would be passed by the Senate. We have met time after time in the conference. I myself had to give up something in the bill which I urged very strongly and thought was necessary, and which I know would be an improvement to the bill. That was the feature that a proposed reorganization plan could not stay in committee longer than 10 days, and would then automatically come to the floor of the Senate. I could not get an agreement on that proposal. But I signed the report—why? Because I believe the bill is of sufficient scope to permit reorganization and to permit the Congress to protect the people and to protect its own position when the plan of reorganization comes back to Congress for us to pass upon.

In summary let me say that I do not think recommitting the bill to conference will help. I further say that if the report is rejected by the Senate, the House having accepted it with provisions in it which the House did not want to accept, but which the Senate had placed in the bill—I say that if it is rejected we shall have taken a step which I believe will mean an end to the reorganization of the Federal agencies.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. VANDENBERG. Mr. President, on that question, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. VANDENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Austin	Hart	Murray
Ball	Hawkes	Myers
Bankhead	Hayden	O'Daniel
Barkley	Hickenlooper	O'Mahoney
Bilbo	Hill	Radcliffe
Bridges	Hoey	Reed
Brooks	Johnson, Colo.	Revercomb
Buck	Johnston, S. C.	Robertson
Byrd	Kilgore	Russell
Capper	Knowland	Shipstead
Carville	La Follette	Smith
Chavez	Langer	Taft
Connally	Lucas	Thomas, Utah
Donnell	McClellan	Tobey
Downey	McKellar	Tunnell
Eastland	McMahon	Vandenberg
Ellender	Magnuson	Wagner
Ferguson	Maybank	Walsh
Fulbright	Mead	Wheeler
George	Millikin	White
Gerry	Mitchell	Wiley
Gossett	Moore	Willis
Green	Morse	Young
Guffey	Murdock	

The PRESIDING OFFICER. Seventy-one Senators having answered to their names, a quorum is present.

The question is on agreeing to the conference report on House bill 4129. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BANKHEAD. I have a general pair with the senior Senator from Nebraska [Mr. BUTLER]. I transfer that pair to the senior Senator from Louisiana [Mr. OVERTON] and will vote. I vote "yea."

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent because of illness.

The Senator from Arizona [Mr. McFARLAND] is absent because of a death in his family.

The Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], the Senator from Louisiana [Mr. OVERTON], and the Senator from Tennessee [Mr. STEWART] are necessarily absent.

The Senator from Missouri [Mr. BRIGGS], the Senator from New Mexico [Mr. HATCH], the Senator from Ohio [Mr. HUFFMAN], the Senator from Nevada [Mr. McCARRAN], and the Senator from Maryland [Mr. TYDINGS] are detained on public business.

The Senator from Florida [Mr. PEPPER] and the Senator from Oklahoma [Mr. THOMAS] are absent on official business.

The Senator from Idaho [Mr. TAYLOR] is detained at an important committee meeting.

I wish to announce further that if present and voting, the Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], the Senator from Missouri [Mr. BRIGGS], the Senator from New Mexico [Mr. HATCH], the Senator from Ohio [Mr. HUFFMAN], the Senator from Nevada [Mr. McCARRAN], the Senator from Arizona [Mr. McFARLAND], the Senator from Louisiana [Mr. OVERTON], the Senator from Florida [Mr. PEPPER], the Senator from Tennessee [Mr. STEWART], the Senator from Idaho [Mr. TAYLOR], the Senator from Maryland [Mr. TYDINGS], and the Senator from Oklahoma [Mr. THOMAS] would vote "yea."

Mr. WHITE. The Senator from Vermont [Mr. AIKEN] has been excused. He is necessarily absent.

The Senator from Nebraska [Mr. BUTLER] is absent on official business.

The Senator from Indiana [Mr. CAPEHART] is absent due to the necessity for special treatment for his recent injury.

The Senator from Oregon [Mr. CORDON] is absent on official business as heretofore stated.

The Senator from Maine [Mr. BREWSTER] is absent because of a death in his family.

The Senator from Massachusetts [Mr. SALTONSTALL] is necessarily absent.

The Senator from Nebraska [Mr. WHERRY] is absent on official business.

The result was announced—yeas 49, nays 23, as follows:

YEAS—49

Bankhead	Carville	Ellender
Barkley	Chavez	Fulbright
Bilbo	Connally	George
Buck	Downey	Gerry
Byrd	Eastland	Gossett

Green	McMahon	Robertson
Guffey	Magnuson	Russell
Hart	Maybank	Smith
Hayden	Mead	Thomas, Utah
Hill	Mitchell	Tunnell
Hoey	Murdock	Wagner
Johnson, Colo.	Murray	Walsh
Johnston, S. C.	Myers	Wheeler
Kilgore	O'Mahoney	Wiley
Lucas	Radcliffe	Willis
McClellan	Reed	
McKellar	Revercomb	

NAYS—23

Austin	Hawkes	O'Daniel
Ball	Hickenlooper	Shipstead
Bridges	Knowland	Taft
Brooks	La Follette	Tobey
Capper	Langer	Vandenberg
Donnell	Millikin	White
Ferguson	Moore	Young
Gurney	Morse	

NOT VOTING—24

Aiken	Cordon	Saltonstall
Andrews	Glass	Stanfill
Bailey	Hatch	Stewart
Brewster	Huffman	Taylor
Briggs	McCarran	Thomas, Okla.
Bushfield	McFarland	Tydings
Butler	Overtton	Wherry
Capehart	Pepper	Wilson

So the conference report was agreed to.

LEGISLATIVE PROGRAM

Mr. DOWNEY. Mr. President, I desire to call for the regular order.

Mr. HILL. Mr. President, will the Senator withhold his request for a moment?

Mr. DOWNEY. Yes; I withhold it for a moment.

Mr. HILL. The Senator knows, of course, what would be the effect of his request for the regular order, namely, that the ship sales bill, which has been under consideration now for several days, would be sent back to the calendar. I hope the Senator from California will not request the regular order, but will give us an opportunity to conclude consideration of the ship sales bill. I understand that the distinguished junior Senator from Maryland [Mr. RADCLIFFE], the distinguished junior Senator from Wyoming [Mr. ROBERTSON], and the distinguished junior Senator from California [Mr. KNOWLAND] have been in conference with respect to the bill, and that neither one of the three will desire to speak for more than 5 minutes, if the Senate is given an opportunity to proceed with the consideration of that bill.

Mr. DOWNEY. Mr. President, reluctantly I must decline to accede to the suggestion of the Senator from Alabama.

Mr. HILL. I wish to say to the distinguished Senator from California, in justice to myself, that yesterday afternoon, when I talked to the Senator along about 3 o'clock, I thought he agreed that we would have an opportunity to finish action on the ship sales bill early in the session today.

Mr. DOWNEY. Mr. President, I did not so understand any statement I made. I regret it if I was ambiguous or if the Senator misunderstood me. I will say to the Senator that I understood from the distinguished acting chairman of the Appropriations Committee, the senior Senator from Tennessee [Mr. McKELLAR], that there is considerable doubt whether the deficiency appropriations bill will be before the Senate before Monday. I think that will give us ample time in which to dispose of the Federal pay bill and also the ship sales bill.

I may say that I think the program is understood, namely, that the Senator from Virginia is to present to the Federal pay bill an amendment which will embody his ideas, and after he has explained his amendment it is my intention to offer an amendment in the nature of a substitute. I do not believe I shall occupy the floor of the Senate in discussion of the amendment which will be offered by the Senator from Virginia or in discussion of my own amendment more than 1 hour, and I think the question can easily be settled upon a vote either on the amendment of the Senator from Virginia or on the amendment in the nature of a substitute which I shall offer. Of course, I have no way of knowing how long the Senator from Virginia will address the Senate in the presentation of his thoughts or how long any of our other colleagues will address the Senate in presenting their views on these matters. But if we begin now to work on the Federal pay bill, I think there is no reason why we cannot conclude action on it this afternoon.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. DOWNEY. I yield.

Mr. McKELLAR. I am not sure the Senator from California has accurately stated what I told him. I wish to make a statement at this time about the deficiency appropriations bill. I have no desire to interfere in any way with action on the Federal pay bill; but the Senator from California will recall that I received permission to report the deficiency appropriations bill if we were able to report it today. We received permission to leave it with the clerk. If it is reported today, it will be in order for the Senate to consider it tomorrow. We have been working on the bill for several weeks. It contains a great many items—in fact, more than I have ever before known to be in a deficiency bill since I have been in the Senate. I do not think the bill involves any controversy; and if we are able to have it reported this afternoon, I should like to have time tomorrow to have the Senate consider it. I hope its consideration will not take over an hour, because there is not much controversy about it, in my judgment.

Mr. DOWNEY. Mr. President, let me say that I have already agreed with the distinguished senior Senator from Tennessee that, so far as I am concerned, I shall make no objection to having his bill heard immediately, whenever he desires to present it on the floor of the Senate.

Mr. WHITE. Mr. President—

Mr. DOWNEY. I yield to the Senator from Maine.

Mr. WHITE. I join in the hope expressed by the Senator from Alabama that the Senator from California will not insist at this time upon the regular order, which will mean the consideration at this time of the pay bill. We have shifted these bills back and forth during the last 10 days, from unfinished business to a place somewhere in the rear of unfinished business. I think it has not been a creditable performance, so far as the Senate is concerned. I do not think it has reflected credit upon the legislative processes of the Senate. I do not suppose anyone is more definitely hostile

to the ship-sales bill than I am; but here we are with that bill well toward the end of its consideration before this body. From all that I can learn about the situation, I feel quite assured that it will ultimately be disposed of one way or the other within a reasonable time this afternoon. It seems to me—and I say this with great respect to the Senator from California who proposes that the Senate proceed otherwise—that it is in the interest of the orderly conduct of our business that we hold our hands to the plow and go to the end of the furrow with the particular bill which has been before the Senate for so long. When we have concluded action on it, I assume we then shall be in a position to take up the Federal pay bill, and I hope for a speedy determination of it.

But if at this time we suspend consideration of the ship-sales bill and turn our attention to another bill, I think we shall add confusion and legislative delay, and I think we shall create some doubt in the public mind regarding whether we know what we are doing.

Mr. DOWNEY. Mr. President, I agree with what the distinguished Senator has said, namely, that once we have put our hand to the plow, we should go to the end of the furrow before we leave it. We started on the Federal pay bill long before we started to consider the ship-sales bill. I tried to be courteous and I yielded to Senators two or three times upon representations—which I know were made in good faith, but which were not carried out—that action on the bill would be finished within a certain period of time.

Mr. President, I shall be frank with the Senate and with the acting majority leader. I have received very good information that when the deficiency appropriations bill and the ship-sales bill are out of the way, it will no longer be possible to obtain the attendance of a quorum in the Senate. I have no doubt that there are Senators who would be very glad to avoid having to pass upon this wage question by not having a quorum present. But I desire to say it will be against all my resistance if that happens. If my bill goes down, I shall attempt to see that the ship-sales bill, at least, is not considered in front of it. I may not be able to accomplish that.

Let me say that we waited 4 or 5 years before we raised the basic pay of the Federal workers. For 4 or 5 long years we, the Congress of the United States, helped to work out plans by which the greatest corporate profits which ever have been made were accumulated, plans by which the farmers were protected, plans by which industrial workers were protected. But it was not until the spring of 1945, 4 years after the cost of living had begun to mount, that we got around to attending to an increase of the basic salaries of Government workers.

I wish to say that what I am requesting for the Government workers is nothing more than what has already been granted by 25 or 50 great industries; it is nothing more than General Motors has already offered.

In other words, in the substitute which I am about to offer for the amendment of the Senator from Virginia [Mr. BYRD] I

am doing nothing more than attempting to bring the wages of Federal workers up to the present standard of living. So far as I know, no one in industry objects to that plan. Justice delayed is justice denied. There are hundreds of thousands of Federal workers who will face bleak and insolvent conditions at Christmas. So far as I am concerned, I shall do everything I can do in order to drive this bill through before we leave for the holiday adjournment, and I shall not yield for anything. If Senators wish to displace my bill, I shall go home and rest easily.

Mr. RADCLIFFE. Mr. President, the Senator from California has been so patient and generous that I hesitate to say anything at this time. What has been said by the Senator from Maine and by the Senator from Alabama with regard to disposing of the proposed ship-sales legislation is obviously correct and I shall not dwell upon it. However, I have talked with several Senators and I know of only two or three Members of the Senate who will discuss the bill, and not one of them has told me that he will talk longer than 5 minutes. I cannot guarantee what may develop; but I assert to the Senator from California that, so far as I can now judge from the appearance of things, we can vote quickly on these matters.

Mr. DOWNEY. Mr. President, though not so wise as Ulysses was, I am like Ulysses in that my ears are stuffed with cotton and I shall no longer listen to the song of the siren. I shall not yield any further. There is cotton in my ears.

Mr. HILL. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield. [Laughter.]

Mr. HILL. I understand that the Senator will insist on the regular order.

Mr. DOWNEY. Yes.

Mr. HILL. I hope the Senator will be so much like St. Paul that he will yield to no one, and will drive his bill just as hard as he possibly can, do so. I may say further that I shall be here to help the Senator dispose of the bill.

Mr. DOWNEY. I may say to my distinguished friend from Alabama that I shall take his advice.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. LANGER. Mr. President, as a ranking member of the minority on the Civil Service Committee, I wish to say that I believe the distinguished Senator from California is absolutely correct in his position. The Federal pay bill has been delayed time and again. Any member of the committee who attended the hearings and listened to the testimony offered by poor Federal employees, knows that this legislation has long been needed. I am here to help the Senator in every way I possibly can.

INCREASE IN COMPENSATION OF FEDERAL EMPLOYEES

The Senate resumed the consideration of the bill (S. 1415) to increase the rates of compensation of officers and employees of the Federal Government.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

In addition to all those reasons why it is false economy to scuttle FBIS, there is this all-important one: During the long period when there will be no monitoring, this Government will be without some of the most important intelligence available concerning international affairs.

PROPOSED LOAN TO GREAT BRITAIN

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

[Mr. RICH addressed the House. His remarks appear in the Appendix of today's RECORD.]

PERMISSION TO ADDRESS THE HOUSE

Mr. MILLER of Nebraska. Mr. Speaker, I ask unanimous consent that tomorrow after the disposition of business on the Speaker's desk and the conclusion of special orders heretofore entered, I address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

WHEN DID WAR END?

Mr. MILLER of Nebraska. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include a letter from a sailor.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

[Mr. MILLER of Nebraska addressed the House. His remarks appear in the Appendix of today's RECORD.]

EXTENSION OF REMARKS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent that a statement which was sent with a letter to the Committee on Foreign Affairs from the Secretary of State be a part of my remarks today. I understood yesterday that it would be inserted in the RECORD when the resolution was tabled. There is nothing secret about them. Already that information has been made public but I feel that it should be a part of the CONGRESSIONAL RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LAFOLLETTE. Mr. Speaker, I ask unanimous consent that in the remarks I shall make in the Committee of the Whole upon the bill S. 380, I may include as part of my remarks the bill H. R. 4181, some comments thereon, and such editorials and figures as may be pertinent to my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. DIRKSEN asked and was given permission to extend his remarks in the RECORD and include two speeches, one by B. C. Forbes, and one by himself at the

recent meeting of Investors League in Chicago.

AIR-MAIL POSTAGE

Mr. HAGEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

[Mr. HAGEN addressed the House. His remarks appear in the Appendix of today's RECORD.]

EXTENSION OF REMARKS

Mr. CURTIS asked and was given permission to extend his own remarks in the Appendix of the RECORD and to include therein a newspaper article.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include certain tables showing that our national debt and obligations amount to over \$620,000,000,000 at the present time. That is not including the proposed loan. I also ask unanimous consent to include certain quotations.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. PHILBIN asked and was given permission to extend his remarks in the RECORD and to include therein a recent statement by J. Henry Scattergood.

TIME FOR ACTION ON PALESTINE

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, the Senate Foreign Affairs Committee by a vote of 17 to 1 yesterday adopted a resolution providing for, first, unlimited Jewish immigration into Palestine within its absorptive economic capacity; second, an eventual democratic commonwealth; third, a Jewish national home.

This should be a ringing summons to the House Foreign Affairs Committee to adopt forthwith an identic resolution so that there can be compliance with the Palestine planks in both the Republican and Democratic platforms.

Significantly, General Montgomery, a brave soldier and distinguished general, under British orders is turning back across the border Polish-Jews fleeing pogroms. Thus, on the one hand, Britain cruelly refuses to receive the refugees, and, on the other hand, forbids them going to the one place where they can live in safety and dignity—the one place where they are not unwanted—Palestine.

Britain is guilty of deepest depravity and inhumanity in her treatment of Jews and her perfidy on Palestine.

The SPEAKER. The time of the gentleman from New York has expired.

ATTACKS ON COMMITTEE ON UN-AMERICAN ACTIVITIES

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include certain excerpts from the RECORD and from newspaper publications.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

[Mr. RANKIN addressed the House. His remarks will appear hereafter in the Appendix.]

LOAN TO GREAT BRITAIN

Mr. SMITH of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SMITH of Ohio. Mr. Speaker, the Treasury and other governmental departments, at the direction of the President, are out propagandizing the public and molding the Congress into shape for the approval of an additional so-called loan of \$4,400,000,000 to England. The Keynes-Morgenthau international monetary and financial scheme, euphemistically called Bretton Woods, was rammed down Congress' throat on the ostensible ground that it was needed to form one of the main pillars of the peace structure and to make loans to foreign nations. So far as I know, ours is the only Government which has acted as though it might believe this.

Having inveigled the Congress into approving the scheme England and the other countries shrewdly delayed to accept it. Why? Because this put them in a bargaining position to force Congress to approve additional loans to them. Lord Keynes and his UNO crowd, with the support of the administration, are virtually telling the Congress that unless it gives assurance of furnishing them with additional loans to those provided in Bretton Woods they will not sign the Bretton Woods agreement.

This appears to be the dilemma Congress now is in. To refuse to approve these loans would almost be tantamount to wrecking the main part of the foundation of the peace machinery and cause the whole thing to go smash.

The promoters of these loans are exploiting to the limit this abnormal situation in which they have placed Congress as a bargaining weapon to force the United States to underwrite their economies, and socialistic economies at that, not temporarily but permanently.

How many more billions is it expected our taxpaying public will furnish to keep this "one world" business going?

EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include a speech made last Sunday by Archbishop Cushing, of Boston, a very powerful and timely speech on the necessity of further appropriations to continue UNRRA, in order to save countless

thousands of lives of unfortunate persons during the coming winter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. WEICHEL and Mr. WALTER asked and were given permission to extend their remarks in the RECORD.

BALTIC REFUGEES

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, 2 weeks ago I made an appeal from this floor, and subsequently addressed a communication to His Majesty's Swedish Government, that they not turn over to Russia a group of 167 Baltic nationals who had escaped to Sweden. The American press was subsequently full of ghastly pictures, depicting the scenes of German nationals and these Baltic nationals attempting self-destruction to evade return to Russian-occupied territory.

At this time I refer only to those of the Baltic races, especially the Lithuanian groups, and I appeal to Secretary Byrnes from the floor of Congress that in his meeting with the Russians and the British at Moscow this week this problem be reexamined as part of his agenda and that steps be taken from now on to examine with greater exactitude the transporting back to Russia of the nationals of Slavic and Baltic ancestry and middle Europe. Especially do I have reference to Poles and Lithuanians, whose return to Russia is an order of execution after a sentence of death.

REORGANIZATIONS IN EXECUTIVE BRANCH

Mr. MANASCO. Mr. Speaker, I call up the conference report on the bill (H. R. 4129) to provide for the reorganization of Government agencies, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The Clerk read the statement of the managers on the part of the House.

(For conference report and statement, see proceedings of the House of December 12, 1945.)

Mr. WHITTINGTON. Mr. Speaker, the House passed the reorganization bill on October 4, 1945. On November 19, 1945, the Senate struck all after the enacting clause and inserted the Senate reorganization bill.

Under the conference report the bill, as agreed to, while it may have been an entirely new bill, emphasizes only matters that were agreed to by either or both of the Houses. No new matters except clarification of provisions are embraced in the conference report.

The bill, as agreed to, retains not only the form but the substance of the bill as it passed the House. Where retained, the additional matter embraced in the

Senate bill is included at the appropriate place in the House bill as passed.

PURPOSES

The purposes and objectives are set forth in section 2. They include not only the language of the House bill but clarifying language of the Senate bill. The purpose includes a modification of the so-called Martin amendment. The conference report expresses the hope that the reorganizations will result in an overall reduction of administrative costs of not less than 25-percent. The provisions contained in the objectives of the House are retained. Economy is mentioned and emphasized. Revenues are given their proper place. Not only agencies but functions may be abolished.

PLANS

The plans as passed by the House are preserved.

The substance of the so-called Taft amendment in the Senate is retained. It covers measures passed after January 1, 1945.

QUASI-JUDICIAL AGENCIES

Agencies were urged to be exempted because they were quasi-judicial. An amendment was included in the Senate bill that stipulated that no reorganization plans should divest a quasi-judicial agency of its power to exercise independent judgment. It has not been the view that the transfer of an independent agency to a department would deprive such agency of its quasi-judicial functions. The only case cited was the reorganization of the Civil Aeronautics Board. It was not deprived of its quasi-judicial functions. But to preserve the principle, the proposed language to prevent divesting such an independent agency of its quasi-judicial functions is retained in the conference report. It is believed that the provisions protect any agency with quasi-judicial investigative or rule-making functions that may be transferred.

EXEMPTIONS

The Senate and the House bills treated exemptions by a different method. The House bill provided the exemptions named. The Senate bill excluded them from the definition of an agency. The substance of the House bill was retained. The Senate bill did not include the Civil Service Commission and the Veterans' Administration among its exemptions. It did include the Maritime Commission, the Federal Power Commission, and the Federal land bank. The conference report retains the Veterans' Administration, but does not include as exceptions the Federal land bank, the Federal Power Commission, the Maritime Commission, or the Civil Service Commission. The Senate, I repeat, had declined to include the Civil Service Commission. The House, I emphasize, had rejected not once, but twice, the exclusion of the Maritime Commission. This Commission constructed more than 6,000 ships to win the war. They have expended multiplied billions of dollars. Now that the war is over, it can certainly do no harm when the matter of combining the whole Army and the Navy is under consideration to take a look at the Maritime Commission. The Federal Power Commission

only has a small number of employees. Its quasi-judicial functions are preserved. All admitted that the Federal land bank should never have been included in the first instance. No one assigned a cause for including it. In the conference report, Federal land banks are not exempt. The conference report, therefore, with respect to exemptions is an improvement on either the Senate or the House bills. The categories of the House bill are retained with the one exception of the Civil Service Commission. The conference report agrees that the provision of the Senate bill in substance exempting the civil functions of the Corps of Engineers should be substituted for the House provision that called for a vote up or down.

DATE

The conference report provides that all reorganizations must be submitted by April 1, 1948, rather than July 1, 1948, as provided by the House bill, or July 1, 1947, as provided by the Senate bill.

TITLE 2

Title 2 of the bill as passed by the House, identical with title 2 as passed by the Senate, is retained in the conference report. This title is for the benefit of those who oppose the reorganization. As best the matter can be devised by parliamentary procedure, the rights of the opposition are protected. A vote is assured.

CONCLUSION

The reorganization act describes the standards, authorizes the President to submit plans, and it takes both Houses to pass the reorganization bill. Having authorized the President to make the reorganization, the Senate and the House bills both provided that it would take a concurrent resolution of both Houses to nullify the reorganization. The conference report so provides. The purpose of reorganization is emphasized. The objective is to reduce administrative expenditures, promote economy, abolish functions, and to increase efficiency within governmental revenues. Adequate machinery for the submission of plans to accomplish the objectives are provided. I am familiar with all of the reorganization acts passed. The last act was passed in 1939. The conference report is the most effective and the most efficient reorganization bill ever passed by Congress and should be promptly approved.

Mr. COCHRAN. Mr. Speaker, I have been a member of every committee that has considered a reorganization bill for the executive departments, whether it was a standing committee, a select committee, or a joint committee, that has been set up since the Coolidge administration. I feel that the conference report that is presented here today, contains language that will give the President all the power he needs to reorganize the executive branch of the Government. It has few restrictions.

The President, in a special message to the Congress, asked for this legislation. The Congress has responded in such a way as to put the President on the spot. The responsibility now rests with the President.

Let no one tell you that it is not a tremendous job, and if the President is to succeed he must have as advisers the best minds that are available. In my opinion, Secretary of State Byrnes and Secretary of the Treasury Vinson, members of the President's Cabinet, should certainly be able to render outstanding service to the President in connection with this great task. Then there is the Comptroller General, Hon. Lindsay Warren, who knows as much about the executive branch of the Government as any man I have ever come in contact with. All three of these gentlemen have served on reorganization committees that I have been a member of.

I took the liberty of sending to Mr. Warren a copy of this bill as finally agreed upon and asked him to go over it carefully and let me have his reaction. Mr. Warren was a member of the 1932 Reorganization Committee. He was a member of the committee that considered the 1937 and 1939 bills. For the information of the House I include as part of my remarks the letter I received from Mr. Warren. It follows:

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, December 11, 1945.

HON. JOHN J. COCHRAN,
House of Representatives,
Washington, D. C.

MY DEAR MR. COCHRAN: I have complied with your request and have carefully gone over H. R. 4129 (reorganization bill) as agreed upon by the Senate and House conferees. In my opinion, this is the best and strongest measure on reorganization that has ever been passed by the Congress. It is a much better measure than the unlimited, but unconstitutional, authority granted to President Hoover, and to the unlimited authority given to President Roosevelt in the early part of his administration. It is vastly superior to the compromise act of 1939. The present measure clearly shows the close study that has been given it by the committees and conferees, and it refutes the statement we often hear made that Congress does not carefully consider the language and effect of legislative proposals. The interests of not only the departments and agencies of the Government, but of the people at large, are adequately protected by the detail listing of standards and limitations with which the bill guides and controls the President in his exercise of the powers granted.

It is my opinion that when the bill becomes a law, the President will be given the opportunity to do a magnificent job for efficiency and economy in government.

With best wishes.

Sincerely,

LINDSAY C. WARREN,
Comptroller General of the United States.

In conclusion let me say that your conferees reached an agreement with the Senate that enabled us to bring back to you a bill which as the report shows is generally similar to the bill as was passed by the House. We have performed our duty and I for one anxiously await recommendations from the President that will not only increase the efficiency of the executive branch of the Government but will also provide for economy.

Mr. BLAND. Mr. Speaker, when the bill H. R. 4129 was pending in the House, I offered an amendment which sought to exempt the Maritime Commission from the operation of the bill. The amendment was defeated.

I thought that it should have been adopted, and explained that the amendment would exempt the Maritime Commission.

I explained that under the Shipping Act of 1916 and the Intercoastal Shipping Act of 1933, the United States Maritime Commission has broad regulatory powers over carriers by water engaged in carrying commerce between the United States and its island possessions. These functions are similar to and patterned after the functions which are exercised by the Interstate Commerce Commission. For example, the Commission enforces a statutory prohibition against the granting of rebates or using other discriminatory or unfair methods by carriers so that shippers and competing carriers may be protected from unjust treatment. Common carriers by water are required to file for the Commission's approval their agreements and schedules concerning rates, competition, and pooling and are forbidden to indulge in such unfair practices as false billing, false weighing, giving of preferences, allowing persons to obtain transportation at less than regulatory rates and unjust insurers not to give competing carriers favorable rates of insurance. The Commission is also empowered to determine whether rates are unjustly discriminatory between shippers or ports or unjustly prejudicial to exporters. It may enforce just and reasonable regulations relating to handling, storing, and delivering property. It may suspend filed rates and in their place fix just and reasonable maximum or minimum rates. It may prescribe just and reasonable classifications, tariffs, regulations, or practices.

In the field of foreign shipping the Commission is charged with determining whether or not conference agreements filed with the Commission are just and reasonable.

Under the Shipping Act, 1916, the Maritime Commission has broad regulatory authority over persons carrying on the business of forwarding or furnishing wharfage, dock, warehouse, or other terminal facilities in connection with common carriers by water.

The duties are very similar to those performed by the Interstate Commerce Commission and are far more important because here we are dealing also with conferences in which foreign shippers participate and we may need to protect American commerce. I ask the adoption of the amendment.

When the bill was considered in the Senate, it exempted the Maritime Commission from the provisions of the bill.

Conferees were appointed and, as chairman of the Committee on the Merchant Marine and Fisheries, I, joined by other members of my committee, sought to have the House conferees accept the Senate amendment. We attempted to convince the House conferees to accept the Senate amendment for the following reasons:

The Maritime Commission conforms to the principle of exception set out in the report of the Senate Judiciary Committee on this bill, in that it is an independent establishment—an arm of Congress—

exercising quasi-judicial powers and powers legislative in character. Whenever privately owned and operated transportation systems and public utilities are regulated in this country it is by this form of agency—the Commission form. The Interstate Commerce Commission regulates interstate domestic transportation. The Maritime Commission regulates ocean transportation. The execution of the policy of the Merchant Marine Act is committed by Congress to the hands of the Maritime Commission, the policy of the Merchant Marine Act, which must be consistent over a long period of years to be effective. Its members are appointed by the President with the advice and consent of the Senate. These appointments are made with the purpose of maintaining the Commission independent from political influence and are staggered so that only one term ends in any one year. Not more than a majority of the commissioners may belong to any one political party, thus the Commission is kept free from the changing policies or direct influences of a particular administration. Its functions are among others quasi judicial—or judicial—and legislative in the matter of regulation of ocean carriers. It may award damages or "reparation" for past injuries and may prescribe rates or practices for the future legislative functions. It reports directly to Congress and is required to make direct recommendations for legislative change if it finds such change desirable. The Supreme Court, in *Humphrey's Executor v. United States* (295 U. S. 602), in describing another independent establishment, at page 625, states:

Thus, the language of the act, the legislative reports, and the general purposes of the legislation as reflected by the debates, all combine to demonstrate the congressional intent to create a body of experts who shall gain experience by length of service—a body which shall be independent of executive authority, except in its selection, and free to exercise its judgment without the leave or hindrance of any other official or any department of the Government.

The Maritime Commission is, as the Supreme Court said in *Humphrey's Executor* against United States, supra, "charged with the enforcement of no policy except the policy of the law." The policies which it applies are determined by Congress in the Merchant Marine Act, 1936.

Ocean transportation was first effectively regulated by Congress when it established the United States Shipping Board in 1916 as an independent agency, of which the Maritime Commission is a direct successor. The agency continued independent until the present time, except for a short period from 1933 to 1935, when the Shipping Board was placed under the Department of Commerce as a bureau. It is generally recognized that the short period when it was not independent was an unhappy one in which there was confusion of policy and consequent damage to the merchant marine. That experience was one of the reasons for reestablishing the Shipping Board as an independent agency under the form of the Maritime Commission in the Merchant Marine Act,

1936. The administration of that act by the Commission as an independent agency has been recognized as successful and there is no demand from the maritime industry, from shippers, or from the public to impair the independence of the Commission or to have it placed in an executive department, where functionally it does not belong.

The Interstate Commerce Commission, under the act of 1887, was originally placed in the Interior Department and within a year thereafter the Secretary of the Interior himself recommended that it be made an independent agency, and Congress made it an independent agency forthwith and it has remained such ever since.

The conferees failed to accept the views advanced by the members of the House Committee on the Merchant Marine and Fisheries, and filed a conference report which does not exempt the Maritime Commission from reorganization.

The Committee on the Merchant Marine and Fisheries met today, considered the conference report, and decided that it would acquiesce in the report, and would appoint a special subcommittee to cooperate in working out a reorganization which would be in the best interest of the merchant marine, in the promotion of commerce, in the building of trade, in saving money for the taxpayers, and in carrying out the objectives of the legislative. The committee hopes in this way to be constructive and the committee will welcome every opportunity to help in carrying forward the program of the President and to help the committee in charge of the pending legislation.

The committee will not resist the adoption of the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CORRECTION OF ROLL CALL

Mr. H. CARL ANDERSEN. Mr. Speaker, on roll call 202 I am listed as not having answered to my name. I was in the Chamber and answered "Present." I ask unanimous consent that the permanent RECORD and the Journal may be corrected accordingly.

The SPEAKER. Without objection, the permanent RECORD and the Journal will be corrected accordingly.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. DOYLE. Mr. Speaker, I ask unanimous consent that the special order I had for today may be transferred to Monday, December 17.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENSION OF REMARKS

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks in connection with the reorganization bill and that my remarks be inserted just before the approval of the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COCHRAN. Mr. Speaker, I make the same request, my remarks to follow those of the gentleman from Mississippi.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the conference report just agreed to, before final action.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

EMPLOYMENT-PRODUCTION ACT

Mr. SABATH. Mr. Speaker, I call up House Resolution 449 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of S. 380, an act to establish a national policy and program for assuring continuing full employment and full production in a free competitive economy, through the concerted efforts of industry, agriculture, labor, State and local governments, and the Federal Government. That after general debate, which shall be confined to the bill and continue not to exceed 1 day, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Expenditures in the Executive Departments, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Expenditures in the Executive Departments now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of such consideration the committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommend.

Mr. SABATH. Mr. Speaker, later I shall yield 30 minutes to the gentleman from Ohio [Mr. BROWN], minority member of the Committee on Rules.

Mr. Speaker, this resolution provides for the consideration of a very important bill; consequently the Committee on Rules granted a request for a full day to be given over to general debate on the bill. It will be taken up under the 5-minute rule tomorrow.

I say this is an important bill and is urged by the President; moreover, it has been urged by many people who believe that we must and should provide full employment for the American laboring man. That was the title of the original bill. This bill does not include the word "full" employment but aims to carry out the recommendations made to provide full employment.

About 5 months ago the various representatives of industry, aided by some gentlemen here in Washington, proclaimed to the world that there would be from eight to ten million unemployed as soon as the war ended and the war plants closed. Knowing something about what was going on in the way of propaganda by large and even some

small industries, I came to the conclusion that those reports were made for the purpose of scaring the laboring men and the returning soldiers so that when they came back they would be ready to accept any and all employment or work at much lower wages than they were entitled to receive and in many instances on which they and their families could not exist. So I gave the matter some study and made an investigation. A few weeks thereafter I made a speech over the radio, not here on the floor of the House because at times anything I say is not taken seriously by certain people who, however, should give some consideration and pay attention to good advice that is given. In my radio speech I called attention to the fact that there was no danger of great unemployment and I am greatly pleased and gratified to know that I was right. In fact there is a shortage of labor now in nearly every section of our country. You can take the newspapers, scan over the want ads and you will find hundreds upon hundreds of advertisements asking for labor of all kinds.

I hope that all the industries and all the employers will obtain all the needed labor they require; on the other hand, I hope that all the employees, all of the wage earners and all of the American people will be able to obtain positions and receive a pay that they can live and exist on.

This bill is brought in as Senate bill 380. That means, the Senate having passed this bill, that it came to the House and was referred to the Committee on Expenditures in the Executive Departments that has worked hard and held hearings for many, many days. The President and many of us thought that they were slow in proceeding with their deliberations and action. But later we learned that that committee, in their desire to bring in a bill that could be approved by the House, a bill that would aim to do what the President recommended, namely, provide full employment naturally, for the purpose of bringing about harmony and an approval of their work, deliberated for many weeks, and finally recommended a bill which is embodied in the Senate bill. So today we will not consider the Senate bill but will consider instead the House bill which has been substituted for the provisions of the Senate bill.

Some of my friends of labor thought that the Senate bill should have been adopted as reported, with few amendments. Others again differed. Of course, honest men will differ. They cannot always agree on all points. So I was originally for the bill that was recommended by the President, as reported. I cannot help but feel that the committee has done a splendid piece of work by trying to harmonize and bring in proper provisions, though perhaps not as urged originally for full employment, but the aims of the bill seem to me to be toward bringing about full employment. In view of the various viewpoints on the part of many honest and sincere men and women who advocated the bill H. R. 2202—if I am not mistaken, that was the number—I feel that they have been given an opportunity, and that they them-

[Public Law 263--79th Congress]
[Chapter 582--1st Session]
[H. R. 4129]
AN ACT

To provide for the reorganization of Government agencies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SHORT TITLE

Section 1. This Act may be cited as the "Reorganization Act of 1945".

NEED FOR REORGANIZATIONS

Sec. 2. (a) The President shall examine and from time to time reexamine the organization of all agencies of the Government and shall determine what changes therein are necessary to accomplish the following purposes:

- (1) to facilitate orderly transition from war to peace;
- (2) to reduce expenditures and promote economy, to the fullest extent consistent with the efficient operation of the Government;
- (3) to increase the efficiency of the operations of the Government to the fullest extent practicable within the revenues;
- (4) to group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;
- (5) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and
- (6) to eliminate overlapping and duplication of effort.

(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding under the provisions of this Act, and can be accomplished more speedily thereby than by the enactment of specific legislation.

(c) It is the expectation of the Congress that the transfers, consolidations, coordinations, and abolitions under this Act shall accomplish an over-all reduction of at least 25 per centum in the administrative costs of the agency or agencies affected.

REORGANIZATION PLANS

Sec. 3. Whenever the President, after investigation, find that--

- (1) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency; or
- (2) the abolition of all or any part of the functions of any agency; or
- (3) the consolidation or coordination of the whole or any part of any agency; or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; or
- (4) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

(5) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reorganizations specified in the plan will not have, any functions, is necessary to accomplish one or more of the purposes of section 2 (a), he shall prepare a reorganization plan for the making of the transfers, consolidations, coordinations, and abolitions, as to which he has made findings and which he includes in the plan, and transmit such plan (bearing an identifying number) to the Congress, together with a declaration that, with respect to each transfer, consolidation, coordination, or abolition referred to in paragraph (1), (2), (3), (4), or (5) of this section and specified in the plan, he has found that such transfer, consolidation, coordination, or abolition is necessary to accomplish one or more of the purposes of section 2(a). The delivery to both Houses shall be on the same day and shall be made to each House while it is in session. The President in his message transmitting a reorganization plan, shall specify with respect to each abolition of a function specified in the plan the statutory authority for the exercise of such function.

OTHER CONTENTS OF PLANS

Sec. 4. Any reorganization plan transmitted by the President under section 3--

(1) shall change, in such cases as he deems necessary, the name of any agency affected by a reorganization, and the title of its head; and shall designate the name of any agency resulting from a reorganization and the title of its head;

(2) may include provisions for the appointment and compensation of the heads of any agency (including an agency resulting from a consolidation) if the President finds, and in his message transmitting the plan declares, that by reason of transfers, consolidations and coordinations made by the plan, the responsibilities and duties of such head are of such nature as to require such action. The head so provided for may be an individual or may be a commission or board with two or more members. In the case of any such appointment the term of office shall not be fixed at more than four years, the compensation shall not be at a rate in excess of \$10,000 per annum, and, if the appointment is not under the classified civil service, it shall be by the President, by and with the advice and consent of the Senate;

(3) shall make provision for the transfer or other disposition of the records, property, and personnel affected by any transfer, consolidation, coordination, or abolition;

(4) shall make provision for the transfer of such unexpended balances of appropriations available for use in connection with any function or agency transferred, consolidated, or coordinated, as he deems necessary by reason of the transfer, consolidation, or coordination for use in connection with the transferred, consolidated, or coordinated functions, or for the use of the agency to which the transfer is made, but such unexpended balances so transferred shall be used only for the purposes for which such appropriation was originally made;

(5) shall make provision for winding up the affairs of any agency abolished

LIMITATIONS ON POWERS WITH RESPECT TO REORGANIZATIONS

Sec. 5. (a) No reorganization plan shall provide for, and no reorganization under this Act shall have the effect of--

(1) abolishing or transferring an executive department or all the functions thereof or establishing any new executive department; or

(2) changing the name of any executive department or the title of its head, or designating any agency as "Department" or its head as "Secretary"; or

(3) continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made; or

(4) continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been made, or beyond the time when the agency in which it was vested before the reorganization would have terminated if the reorganization had not been made; or

(5) authorizing any agency to exercise any function which is not expressly authorized by law at the time the plan is transmitted to the Congress; or

(6) imposing, in connection with the exercise of any quasi-judicial or quasi-legislative function possessed by an independent agency, any greater limitation upon the exercise of independent judgement and discretion, to the full extent authorized by law, in the carrying out of such function, than existed with respect to the exercise of such function by the agency in which it was vested prior to the taking effect of such reorganization; except that this prohibition shall not prevent the abolition of any such function; or

(7) increasing the term of any office beyond that provided by law for such office.

(b) No reorganization plan shall provide for any reorganization affecting any agency named below in this subsection; except that this prohibition shall not apply to the transfer to such agency of the whole or any part of, or the whole or any part of the functions of, any agency not so named. No reorganization contained in any reorganization plan shall take effect if the reorganization plan is in violation of this subsection. The agencies above referred to in this subsection are as follows: Interstate Commerce Commission, Federal Trade Commission, Securities and Exchange Commission, National Mediation Board, National Railroad Adjustment Board, and Railroad Retirement Board.

(c) No reorganization plan shall provide for any reorganization affecting any civil function of the Corps of Engineers of the United States Army, or of its head, or affecting such Corps or its head with respect to any such civil function. No reorganization contained in any reorganization plan shall take effect if the reorganization plan is in violation of this subsection.

(d) No reorganization plan shall provide for a reorganization affecting any agency named below in this subsection if it also provides for a reorganization which does not affect such agency; except that this prohibition shall not apply to the transfer to such agency of the whole or any part of, or the whole or any part of the functions of, any agency not so named. No reorganization contained in any reorganization plan shall take effect if the reorganization plan is in violation of this subsection. The agencies above referred to in this subsection are as follows: Federal Communications Commission, Federal Deposit Insurance Corporation, United States Tariff Commission, and Veterans' Administration.

(e) If, since January 12, 1945 Congress has by law established the status of any agency in relation to other agencies or transferred any function to any agency, no reorganization plan shall provide for, and no reorganization under this Act shall have the effect of, changing the status of such agency in relation to other agencies or of abolishing any such transferred function or providing for its exercise by or under the supervision of any other agency.

(f) No reorganization specified in a reorganization plan shall take effect unless the plan is transmitted to the Congress before April 1, 1948.

TAKING EFFECT OF REORGANIZATIONS

Sec. 6. (a) The reorganizations specified in the plan shall take effect in accordance with the plan upon the expiration of the first period of sixty calendar days, of continuous session of the Congress, following the date on which the plan is transmitted to it; but only if, between the date of transmittal and the expiration of such sixty-day period there has not been passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the reorganization plan.

(b) For the purposes of subsection (a)--

(1) continuity of session shall be considered as broken only by an adjournment of the Congress sine die; but

(2) in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than three days to a day certain; except that if a resolution (as defined in section 202) with respect to such reorganization plan has been passed by one House and sent to the other, no exclusion under this paragraph shall be made by reason of adjournments of the first House taken thereafter.

(c) Any provision of the plan may, under provisions contained in the plan, be made operative at a time later than the date on which the plan shall otherwise take effect.

DEFINITION OF "AGENCY"

Sec. 7. When used in this Act, the term "agency" means any executive department, commission, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government. Such term does not include Comptroller General of the United States or the General Accounting Office, which are a part of the legislative branch of the Government.

MATTERS DEEMED TO BE REORGANIZATIONS

Sec. 8. For the purposes of this Act any transfer, consolidation, coordination, abolition, change or designation of name or title, disposition, winding up of affairs, or provision for the appointment and compensation of the head or assistant heads of an agency, referred to in section 3 or 4, shall be deemed a "reorganization".

SAVING PROVISIONS

Sec. 9. (a) (1) Any statute enacted and any regulation or other action made, prescribed, issued, granted, or performed, in respect of or by any agency or function transferred to, or consolidated or coordinated with, any other agency or function under the provisions of this Act, before the effective date of such transfer, consolidation, or coordination, shall, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law, have the same effect as if such transfer, consolidation, or coordination had not been made; but where any such statute, regulation, or other

action has vested functions in the agency from which the transfer is made under the plan, such functions shall, insofar as they are to be exercised after the transfer, be considered as vested in the agency to which the transfer is made under the plan.

(2) As used in paragraph (1) of this subsection the term "regulation or other action" means any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

(b) No suit, action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of taking effect of any reorganization under the provisions of this Act, but the court may, on motion or supplemental petition filed at any time within twelve months after such reorganization takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the successor of such head or officer under the reorganization so effected or, if there be no such successor, against such agency or officer as the President shall designate.

UNEXPENDED APPROPRIATIONS

Sec. 10. The appropriations or portions of appropriations unexpended by reason of the operation of this Act shall not be used for any purpose, but shall be impounded and returned to the Treasury.

PRINTING OF REORGANIZATION PLANS

Sec. 11. If the reorganizations specified in a reorganization plan take effect, the reorganization plan shall be printed in the Statutes at Large in the same volume as the public laws, and shall be printed in the Federal Register.

TITLE II

Sec. 201. The following sections of this title are enacted by the Congress:

(a) As an exercise of the rule-making power of the Senate and the House of Representative, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in section 202); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

Sec. 202. As used in this title, the term "resolution" means only a concurrent resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not favor the reorganization plan number transmitted to Congress by the President on , 19 .", the blank spaces therein being appropriately filled; and does not include a concurrent resolution which specifies more than one reorganization plan.

Sec. 203. A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

Sec. 204. (a) If the committee to which has been referred a resolution with respect to a reorganization plan has not reported before the expiration of ten calendar days after its introduction (or, in the case of a resolution received from the other House, ten calendar days after its receipt), it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such reorganization plan which has been referred to the committee.

(b) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to not to exceed one hour, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(c) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same reorganization plan.

Sec. 205. (a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(b) Debate on the resolution shall be limited to not to exceed ten hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

Sec. 206. (a) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a reorganization plan and all motions to proceed to the consideration of other business, shall decide without debate.

(b) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate.

Sec. 207. If, prior to the passage by one House of a resolution of that House with respect to a reorganization plan, such House receives from the other House a resolution with respect to the same plan, then--

(a) If no resolution of the first House with respect to such plan has been referred to committee, no other resolution with respect to the same plan may be reported or (despite the provisions of section 204 (a)) be made the subject of a motion to discharge.

(b) If a resolution of the first House with respect to such plan has been referred to committee.--

(1) the procedure with respect to that or other resolutions of such House with respect to such plan which have been referred to committee shall be

the same as if no resolution from the other House with respect to such plan had been received; but

(2) on any vote on final passage of a resolution of the first House with respect to such plan the resolution from the other House with respect to such plan shall be automatically substituted for the resolution of the first House.

Approved December 20, 1945.

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REORGANIZATION PLAN NO. 1 OF 1946

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

REORGANIZATION PLAN NO. 1 OF 1946, PREPARED IN ACCORDANCE
WITH THE PROVISIONS OF THE REORGANIZATION ACT OF 1945

MAY 16, 1946.—Referred to the Committee on Expenditures in the Executive
Departments and ordered to be printed

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 1 of 1946, prepared in accordance with the provisions of the Reorganization Act of 1945.

In my message to the Congress of May 24, 1945, requesting passage of a reorganization act, I stated that an important purpose of the act would be to permit making permanent certain of the reorganization actions take by Executive order under the authority of title I of the First War Powers Act, 1941 (55 Stat. 838). The effect of this reorganization plan would be, in the main, to continue in force some of the reorganization actions now in effect by virtue of Executive orders. The reorganization actions continued in force by this plan all constitute improvements in the organization of permanent functions of the Government or functions which may be expected to be active after the expiration of title I of the First War Powers Act, 1941. Those improvements should, therefore, be made permanent under the procedure established in the Reorganization Act of 1945.

I have found, after investigation, that each reorganization contained in the plan is necessary to accomplish one or more of the purposes set forth in section 2 (a) of the Reorganization Act of 1945. Each part of the reorganization plan is explained in further detail below.

DEPATRMENT OF STATE

The first part of the plan provides for the transfer of certain functions to the Department of State, and imposes certain liquidation duties on that Department.

OFFICE OF INTER-AMERICAN AFFAIRS

Executive Order No. 8840 of July 30, 1941, established the Office of the Coordinator of Inter-American Affairs. Throughout the war period this Office (later redesignated the Office of Inter-American Affairs) played a major role in the development of better relations among the American Republics. In accordance with the general realinement of the functions and organization of wartime agencies in the international field, this Office was abolished and certain remaining functions were transferred to the Secretary of State by Executive Order No. 9610 of April 10, 1946. The plan confirms this transfer, providing specifically for the direction by the Secretary of State of the activities of certain corporations formerly headed by the Director of the Office of Inter-American Affairs.

The necessity for confirming Executive Order No. 9610 arises from the fact that certain of the corporations have program commitments, for which funds have been made available, extending into fiscal year 1949. The reorganization plan will assure that the activities of the several corporations listed in the plan will be under the direction of the Secretary and Department of State so long as they are in existence.

UNITED STATES HIGH COMMISSIONER TO THE PHILIPPINE ISLANDS

Under the terms of the Tydings-McDuffie Act, the Philippine Islands will become independent on July 4, 1946. This event makes necessary a change in the conduct of the political relationships between this Government and that of the Republic of the Philippines.

The reorganization plan accordingly abolishes the office of United States High Commissioner to the Philippine Islands (established by Tydings-McDuffie Acts, ch. 11, 47 Stat. 761, and ch. 11, 48 Stat. 456) and provides for the orderly liquidation of its affairs by the Department of State. It is contemplated that after July 4, 1946, the conduct of relations with the Republic of the Philippines will be carried on in the same manner as relations with other countries.

DEPARTMENT OF THE TREASURY

(National Prohibition Act functions)

The act of May 27, 1930 (46 Stat. 427), imposed upon the Attorney General general duties respecting administration and enforcement of the National Prohibition Act. By Executive Order No. 6639 of March 10, 1934, all of the powers and duties of the Attorney General respecting that act, except the power and authority to determine and to compromise liability for taxes and penalties, were transferred to the Commissioner of Internal Revenue. The excepted functions, however, were transferred subsequently to the Commissioner of Internal Revenue by Executive Order No. 9302 of February 9, 1943, issued under the authority of title I of the First War Powers Act, 1941.

Since the functions of determining taxes and penalties under various statutes and of compromise of liability therefor prior to reference to the Attorney General for suit are well-established functions of the Commissioner of Internal Revenue, this minor function under the National Prohibition Act is more appropriately placed in the Bureau of Internal Revenue than in the Department of Justice.

DEPARTMENT OF AGRICULTURE

(Agricultural Research Administration)

By Executive Order No. 9069 of February 23, 1942, six research bureaus, the Office of Experiment Stations, and the Agricultural (formerly Beltsville) Research Center were consolidated into an Agricultural Research Administration to be administered by an officer designated by the Secretary of Agriculture. The constituent bureaus and agencies of the Administration have, in practice, retained their separate identity. This consolidation and certain transfers of functions between the constituent bureaus and agencies have all been recognized and provided for in the subsequent appropriation acts passed by the Congress.

By the plan the functions of the eight research bureaus and agencies which are presently consolidated into the Agricultural Research Administration are transferred to the Secretary of Agriculture to be exercised under his direction and control by the Agricultural Research Administration or by such other officers or agencies of the Department of Agriculture as he may provide.

The benefits which have been derived from centralized review, coordination, and control of research projects and functions by the Agricultural Research Administrator have amply demonstrated the lasting value of this consolidation. By transferring the functions of the constituent bureaus and agencies to the Secretary of Agriculture, it will be possible to continue this consolidation and to make such further adjustments in the organization of agricultural research activities as future conditions may require. This assignment of functions to the Secretary is in accord with the sound and long-established practice of the Congress of vesting substantive functions in the Secretary of Agriculture rather than in subordinate officers or agencies of the Department.

OFFICE OF WAR MOBILIZATION AND RECONVERSION

(Contract Settlement functions)

The Office of Contract Settlement was established by the Contract Settlement Act of 1944. By the War Mobilization and Reconversion Act of 1944, the Office of Contract Settlement was placed within the Office of War Mobilization and Reconversion and the Director of the latter Office was given general supervision over its activities.

The reorganization plan transfers all of the functions of the Director of Contract Settlement and all other functions of the Office of Contract Settlement under the Contract Settlement Act of 1944 to the Director of War Mobilization and Reconversion and to the Office of War Mobilization and Reconversion. The plan further abolishes the office of Director of Contract Settlement and the Office of Contract Settlement. The effect of this proposal will be to eliminate entirely one agency, whose mission has been substantially accomplished, without appreciably increasing the burden of the Director of War Mobilization and Reconversion.

The functions of the Office of Contract Settlement are, in general, to (1) establish and supervise uniform and fair contract settlement policies and procedures for the Army, the Navy, and other contract-

ing agencies, and (2) establish and operate an Appeal Board to hear and determine appeals by war contractors relating to contract termination matters. Major policies and procedures have been established by the issuance of 20 regulations of general application. No new regulations have been issued during the last 8 months and none are contemplated. The Appeal Board will of necessity continue in operation for some time; but it exercises its authority separately and autonomously, and it can therefore function as well under the Office of War Mobilization and Reconversion as under the Office of Contract Settlement.

As of March 31, 1946, about 24,000 war contracts were still unsettled, involving claims filed and expected to be filed of approximately 2.7 billion dollars. The settlement of these cases, however, is an operating function which rests with the contracting agencies. Moreover, at the current rate of settlements this represents a backlog of only 4 or 5 months' work by such agencies. Policies and procedures for settlements have been sufficiently tested to make it unlikely that new problems of substance will arise in connection with these remaining settlements which will require any action by the Office of Contract Settlement. In the event that any should arise, however, the Director of War Mobilization and Reconversion will be in a position to deal with them.

NATIONAL HOUSING AGENCY

The plan consolidates permanently in one National Housing Agency under the direction of a National Housing Administrator the main activities of the Government relating to housing.

I do not need to stress again at this time the urgent necessity of taking all possible measures to alleviate the present critical housing shortage. The job of providing adequate housing for our returning veterans will tax to the utmost the resourcefulness and vigor of all parts of the Government that are concerned in any way with housing. And in the months and years ahead, the goal of a decent home for every American will demand the fullest use of all of the Government's resources in the housing field.

If the Government is to mobilize to fullest effectiveness its resources for dealing with the housing emergency, an indispensable step—and one which we cannot afford further to delay—is the establishment of a housing agency on a permanent basis. The fact that we have had a unified housing agency, even though temporary, has enabled us to move more efficiently toward a solution of postwar problems, in cooperation with private enterprise and local communities, than would have been possible without unification of the Government's housing activities; but the present National Housing Agency has been handicapped in its operations by its lack of a permanent status. Having been created during the war emergency, it is not infrequently looked upon as an organization which, now that peace has come, may be abolished in the relatively near future. This has made for uncertainties which have inevitably placed the National Housing Agency at a disadvantage. In order that it may proceed on its program with the fullest confidence that it has a position equivalent to that of any other permanent Government agency, its organization should be confirmed at the earliest possible date.

I fully recognize that S. 1592, the Wagner-Ellender-Taft bill, approved by the Senate on April 12 of this year, provides for the permanent organization of the housing activities of the Government along the lines set forth in this plan. However, since the House must act before S. 1592 can become law, and because of the heavy legislative schedule now facing the House, it is difficult to foretell when such action can be expected. On the other hand, action by the President, taken under the authority of the Reorganization Act, assures decision on the matter in 60 days. Moreover, the fact that S. 1592 is pending in the Congress does not relieve the President of his responsibilities under the Reorganization Act, passed by the same Congress. On the contrary, the action already taken by the Senate constitutes in effect an expression of approval of the objectives of the plan and therefore strengthens my confidence in the wisdom of the step I am taking.

It also seems desirable to confirm under this reorganization plan as many as possible of the organization changes that were effected under the First War Powers Act, 1941, and that it seems desirable to make permanent. Otherwise, confusion might arise, since specific congressional action on these subjects at a definite date cannot be accurately forecast.

Moreover, I place great weight upon the long congressional investigations which preceded the adoption of S. 1592 by the Senate. After comprehensive studies, hearings, and inquiries beginning in the middle of 1944, the Subcommittee on Housing and Urban Redevelopment of the Special Committee on Postwar Economic Policy and Planning of the Senate issued a unanimous report on August 1, 1945. Founded upon this report, S. 1592 was introduced and, after 2 months of comprehensive hearings, was reported favorably to the Senate. It was then approved by the Senate without substantial opposition. The pioneer work done by the sponsors of the Wagner-Ellender-Taft bill, and also by other members of the Senate Committee on Banking and Currency, the Senate Committee on Education and Labor, and the Subcommittee on Housing and Urban Redevelopment, plus approval by the Senate, has been highly constructive and has helped importantly to point the way for this plan.

Since S. 1592 continues many substantial programs which are essential for the success of the veterans' emergency-housing program, as well as for accomplishing the long-time objective of a decent home for every family, I feel bound to stress that the treatment by this plan of the organizational features of that measure does not diminish the necessity for passing those parts of the bill not covered by the plan. The organizational features are for the purpose of making the National Housing Agency as efficient and effective an organization as possible; but without the other provisions of S. 1592 this Agency, regardless of how efficient and effective it may be, will not be able to meet the requirements of the present housing emergency. While it is not customary to advocate legislation in a message of this character, I do so in this instance to make it clear that those provisions of the pending legislation not incorporated in substance in this plan are made no less necessary as a result of submission of this plan.

Wartime experience has fully demonstrated the necessity for unifying the Government's housing functions. When the defense-housing program began in 1940, housing functions were scattered among

a number of different agencies. In February 1942 the President consolidated these dispersed housing functions into a single National Housing Agency—an action which met with almost universal approval. While this Agency was created under the First War Powers Act, 1941, and was therefore necessarily temporary in character, it brought together not only special war-housing activities but also the main permanent housing organizations of the Government.

That the housing consolidation of 1942 served a useful and necessary purpose is uncontested. Without such a consolidation we could not have coped effectively with the difficult and often extraordinary wartime housing problems. It was demonstrated time and again that one housing agency could operate more efficiently and economically than many. In actual program execution there have been enormous savings of material, manpower, and money—savings to localities as well as the Federal Government—that resulted from unity and could not have been achieved with disunity. The lessons of the war must not be ignored in dealing with the very much different but no less difficult peacetime problems of housing.

The plan provides that the functions consolidated in the National Housing Agency are to be administered under a National Housing Administrator to be appointed by the President, by and with the advice and consent of the Senate. The National Housing Administrator is authorized to appoint a Deputy Housing Administrator, who shall be in the classified service.

The plan establishes three constituent units corresponding to those now existing in the National Housing Agency, to be known as the Federal Housing Administration, the Federal Public Housing Authority, and the Federal Home Loan Bank Administration. Each unit will be under a Commissioner to be appointed by the President, by and with the advice and consent of the Senate. The functions grouped under each new constituent unit parallel the functions of the predecessor unit in the existing National Housing Agency.

Dissolution of the United States Housing Corporation (existing pursuant to the acts of May 16, 1918, 40 Stat. 550, ch. 74, as amended, and June 4, 1918, 40 Stat. 595) is directed by the provisions of the plan, and the Federal Home Loan Bank Commissioner is required to wind up the affairs of the Corporation. The office of Federal Housing Administrator, the Federal Home Loan Bank Board and the offices of the members thereof, the Board of Trustees of the Federal Savings and Loan Insurance Corporation and the offices of the members thereof, the Board of Directors of the Home Owners' Loan Corporation and the offices of the members thereof, and the office of Administrator of the United States Housing Authority are also abolished by this plan.

The reorganization of housing functions will, of course, in no wise impair any outstanding obligations or contracts made in connection with any of such functions, nor the pledge of the faith of the United States to the payment of the principal of and interest on debentures now or hereafter issued under the National Housing Act, as amended, nor any annual contributions now or hereafter contracted for pursuant to the United States Housing Act of 1937, as amended, nor any of the insurance funds created under the said National Housing Act, as amended.

I have found and declare that by reason of the reorganizations made by the plan the responsibilities and duties of the National

Housing Administrator, the Deputy National Housing Administrator, the Federal Housing Commissioner, the Federal Home Loan Bank Commissioner, and the Federal Public Housing Commissioner are of such nature as to require the inclusion in the plan of provisions for their appointment and compensation.

Under the limitations contained in section 4 (2) of the Reorganization Act of 1945, the compensation of the National Housing Administrator cannot be set in the plan at a rate of more than \$10,000 a year. The National Housing Administrator now receives a salary of \$12,000 a year. I do not consider the \$10,000 provided in the plan as adequate compensation, and recommend that the Congress act to increase it, if possible not later than the end of the 60-day period during which the Congress has this plan under consideration. This might well be done in the appropriation bill for the National Housing Agency for the coming fiscal year.

Achievement of the objectives we are seeking—homes immediately for our veterans and a suitable dwelling ultimately for every American family—will require, as I have noted, additional legislation by the Congress. But a sound and stable housing organization, as provided for in this plan, is imperative for present operations as well as for the efficient execution of new policies and programs laid down by the Congress. I have said before that the people of the United States can be the best-housed people in the world. I repeat that assertion, and I welcome the cooperation of the Congress in attaining that goal.

FEDERAL DEPOSIT INSURANCE CORPORATION

(Credit union functions)

The plan makes permanent the transfer of the administration of Federal functions with respect to credit unions to the Federal Deposit Insurance Corporation. These functions, originally placed in the Farm Credit Administration, were transferred to the Federal Deposit Insurance Corporation by Executive Order No. 9148 of April 27, 1942. Most credit unions are established in urban areas, and consequently are not related to agricultural activities. The supervision of credit unions fits in more logically with the general bank supervisory functions of the Federal Deposit Insurance Corporation. The Federal Deposit Insurance Corporation has performed this function successfully since 1942, and the benefits of its experience may be realized by effecting a permanent transfer.

HARRY S. TRUMAN.

THE WHITE HOUSE, May 16, 1946.

REORGANIZATION PLAN NO. 1 OF 1946

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 16, 1946, pursuant to the provisions of the Reorganization Act of 1945, approved December 20, 1945

PART I. DEPARTMENT OF STATE

SECTION 101. *Functions of the Office of Inter-American Affairs.*—There are transferred to the Secretary of State all functions of the

Director of the Office of Inter-American Affairs (which Office was established as the Office of Coordinator of Inter-American Affairs by Executive Order No. 8840 of July 30, 1941, and renamed the Office of Inter-American Affairs by Executive Order No. 9532 of March 23, 1945) with respect to the following corporations, namely, the Institute of Inter-American Affairs, the Inter-American Educational Foundation, Inc., the Institute of Inter-American Transportation, the Inter-American Navigation Corporation, and Prencinradio, Inc., together with all rights and interests, authority, and obligations of the said Director and of his predecessors with respect to such corporations, including his authority with respect to holding the capital stock of the said corporations on behalf of the United States of America. All functions of the Office of Inter-American Affairs with respect to the aforesaid corporations are transferred to the Department of State. The functions transferred by this part shall be administered by the Secretary of State or, subject to his direction and control, by such officers and agencies of the Department of State as he may designate. The said Office of Inter-American Affairs and all functions thereof and of the Director of the Office of Inter-American Affairs not otherwise disposed of herein are abolished.

SEC. 102. *United States High Commissioner to the Philippine Islands.*—The office of the United States High Commissioner to the Philippine Islands is abolished.

SEC. 103. *Winding up of affairs.*—The Secretary of State shall provide for winding up those outstanding affairs of the agencies abolished by this part which are not otherwise disposed of herein.

PART II. DEPARTMENT OF THE TREASURY

SECTION 201. *National Prohibition Act functions.*—The functions of the Attorney General and of the Department of Justice with respect to (a) the determination of Internal Revenue taxes and penalties (exclusive of the determination of liability guaranteed by permit bonds) arising out of violations of the National Prohibition Act occurring prior to the repeal of the eighteenth amendment to the Constitution, and (b) the compromise, prior to reference to the Attorney General for suit, of liability for such taxes and penalties, are transferred to the Commissioner of Internal Revenue, Department of the Treasury: *Provided*, That any compromise of such liability shall be effected in accordance with the provisions of section 3761 of the Internal Revenue Code. All files and records of the Department of Justice used primarily in the administration of the functions transferred by this plan are hereby made available to the Commissioner of Internal Revenue for use in the administration of such functions.

PART III. DEPARTMENT OF AGRICULTURE

SECTION 301. *Agricultural research activities.*—The functions of the Bureau of Animal Industry; the Bureau of Dairy Industry; the Bureau of Plant Industry, Soils, and Agricultural Engineering; the Bureau of Entomology and Plant Quarantine; the Bureau of Agricultural and Industrial Chemistry; the Bureau of Human Nutrition and Home Economics; the Office of Experiment Stations; the Agricultural Research Center; and the office of Agricultural Research Administrator,

created by Executive Order No. 9069 of February 23, 1942 (7 F. R. 1409), are transferred to the Secretary of Agriculture, and shall be administered by the Secretary of Agriculture or, subject to his direction and control, by such officers and agencies of the Department of Agriculture as he shall designate.

PART IV. OFFICE OF WAR MOBILIZATION AND RECONVERSION

SECTION 401. *Contract settlement functions.*—All functions of the Director of Contract Settlement and of the Office of Contract Settlement under the Contract Settlement Act of 1944 are transferred to the Director of War Mobilization and Reconversion and the Office of War Mobilization and Reconversion, respectively, and shall be administered by the Director of War Mobilization and Reconversion or, subject to his direction and control, by such officers and agencies of the Office of War Mobilization and Reconversion as he shall designate. There are also transferred to the Office of War Mobilization and Reconversion the Appeal Board established under section 13 (d) of the Contract Settlement Act of 1944 and the Contract Settlement Advisory Board created by section 5 of the said act: *Provided, however,* That the respective functions of each board shall remain vested therein as at present. The quarterly progress reports required of the Director of Contract Settlement by section 2 (b) of the Contract Settlement Act of 1944 shall be consolidated with the quarterly reports of the Director of War Mobilization and Reconversion required by section 101 (c) (8) of the War Mobilization and Reconversion Act of 1944 effective with the report required thereunder on the 1st day of October 1946. The quarterly progress report of the Director of Contract Settlement required in July 1946 shall be submitted at that time by the Director of War Mobilization and Reconversion as a separate report. The Office of Contract Settlement, including the office of Director of Contract Settlement but excluding the boards transferred under this section, is abolished.

PART V. NATIONAL HOUSING AGENCY

SECTION 501. *National Housing Agency.*—The agencies and functions of the National Housing Agency established under the First War Powers Act, 1941 (55 Stat. 838), by Executive Order No. 9070 of February 24, 1942 (7 F. R. 1529), are consolidated to form a permanent agency of the same name. Such Agency shall have the officers and constituent units hereinafter provided for, and shall be administered according to the provisions of this plan.

SEC. 502. *National Housing Administrator.*—The head of the National Housing Agency shall be known as the National Housing Administrator (referred to herein as the Administrator). He shall be appointed by the President, by and with the advice and consent of the Senate, and receive a salary at the rate of \$10,000 per annum unless the Congress shall otherwise provide.

SEC. 503. *Deputy National Housing Administrator.*—The Administrator may appoint a Deputy National Housing Administrator under the classified civil service. Such deputy shall receive a salary at the rate of \$10,000 per annum, shall act for the Administrator in his absence or disability, or in the event of a vacancy in the office of

Administrator, unless the President shall otherwise direct, and shall perform such other duties as the Administrator may designate.

SEC. 504. *Constituent units.*—(a) The constituent units of the National Housing Agency shall be as follows:

(1) The Federal Home Loan Bank Administration with a Federal Home Loan Bank Commissioner who shall be the head thereof.

(2) The Federal Housing Administration with a Federal Housing Commissioner who shall be the head thereof.

(3) The Federal Public Housing Authority, which shall succeed to the corporate status of the United States Housing Authority, with a Federal Public Housing Commissioner who shall be the head thereof.

(b) Each such Commissioner shall be appointed by the President, by and with the advice and consent of the Senate, and receive a salary at the rate of \$10,000 per annum.

SEC. 505. *Functions of constituent units.*—(a) The following functions shall be administered by the Federal Home Loan Bank Administration:

(1) The functions of the Federal Home Loan Bank Board and its members under the Federal Home Loan Bank Act, as amended.

(2) The functions of the Board of Trustees of the Federal Savings and Loan Insurance Corporation under title IV of the National Housing Act, as amended.

(3) The functions of the Board of Directors of the Home Owners' Loan Corporation under the Home Owners' Loan Act of 1933, as amended.

(b) The functions of the Federal Housing Administrator under the National Housing Act, as amended, shall be administered by the Federal Housing Administration.

(c) The following functions shall be administered by the Federal Public Housing Authority:

(1) The functions of the Administrator of the United States Housing Authority under the United States Housing Act of 1937, as amended, and under title II of the act of June 28, 1940 (54 Stat. 676), as amended.

(2) The functions created or authorized by titles I and III, section 401, and title V of the act of October 14, 1940 (54 Stat. 1125), as amended.

(3) The functions of the War and Navy Departments with respect to defense or war housing (except that located on military or naval reservations, posts, or bases) under the act of September 9, 1940 (54 Stat. 872), as amended.

(4) The functions of all agencies designated to provide temporary shelter in defense areas under the acts of March 1, 1941, May 24, 1941, and December 17, 1941 (55 Stat. 14, 55 Stat. 197, and 55 Stat. 810, respectively), insofar as such functions relate to such temporary shelter.

(5) The functions of the Federal Loan Administrator with respect to the Defense Homes Corporation (which Corporation shall continue to be an agency of the United States until its liquidation is completed and shall be administered by the Federal Public Housing Commissioner, who shall receive and hold the capital stock of said Corporation on behalf of the United States of America).

(6) The functions of the Farm Security Administration with respect to housing projects which said Administration has determined are for families not deriving their principal income from operating or working on a farm.

(d) The functions to be administered by the constituent units under this section shall be deemed to be vested in the respective Commissioners, and in the administration thereof the Commissioners shall be subject to the authority of the Administrator.

(e) The provisions of this section shall be subject in all respects to the provisions of section 506 of this plan.

SEC. 506. *Functions of the National Housing Administrator.*—The Administrator shall have the following functions, which shall be performed by him or, subject to his authority under the provisions of this plan, through such officers and employees of the National Housing Agency as he shall designate:

(a) The functions of the Secretary of Agriculture, Secretary of War, Secretary of the Navy, Federal Loan Administrator, and the Federal Works Administrator relating to the functions vested in the National Housing Agency or any constituent unit thereof under this plan.

(b) The conduct of any research or statistical activities relating to any function of the National Housing Agency or any of its constituent units.

(c) The determination of general policy and the making of findings with respect to the need for housing and termination of such need under titles I and III, section 401, and title V of the act of October 14, 1940 (54 Stat. 1125), as amended, the act of September 9, 1940 (54 Stat. 872), as amended (except as to housing located on military or naval reservations, posts, or bases), and the acts of March 1, 1941, May 24, 1941, and December 17, 1941 (55 Stat. 14, 55 Stat. 197, and 55 Stat. 810, respectively).

(d) The responsibility of assuring consistent execution of policy as outlined by law with respect to the program of the National Housing Agency and the constituent units thereof and of devising and applying methods and practices conducive to a unified housing program.

(e) General superintendence, direction, coordination, and control of the affairs of the National Housing Agency and its constituent units; the promulgation of such rules and regulations as the Administrator deems necessary to carry out his responsibilities under the provisions of this plan; and the review and approval, to such extent as he deems necessary, of the rules and regulations made by the Commissioners.

(f) The duty of transmitting to the Congress the annual reports of operations and activities prepared by the Commissioners as required by the second sentence of section 20 of the Federal Home Loan Bank Act, as amended, sections 5, 402 (f), and 406 (e) of the National Housing Act, as amended, and section 7 (b) of the United States Housing Act of 1937, as amended, together with such report of the programs and activities of the National Housing Agency as may be appropriate.

SEC. 507. *Agencies abolished.*—(a) The following agencies are abolished:

(1) The office of Federal Housing Administrator.

(2) The Federal Home Loan Bank Board, and the offices of the members thereof.

(3) The Board of Trustees of the Federal Savings and Loan Insurance Corporation, and the offices of the members thereof.

(4) The Board of Directors of the Home Owners' Loan Corporation, and the offices of the members thereof.

(5) The office of Administrator of the United States Housing Authority.

(b) The United States Housing Corporation created pursuant to acts of May 16, 1918 (40 Stat. 550), and June 4, 1918 (40 Stat. 595), shall be dissolved and abolished.

(c) The Federal Home Loan Bank Commissioner shall, subject to the authority of the Administrator as defined in this plan, wind up the outstanding affairs of the United States Housing Corporation.

SEC. 508. *Interim appointments.*—Pending the initial appointment hereunder of any officer provided for in this part, the functions of such officer shall be temporarily performed by such officer of the existing National Housing Agency as may be designated by the President.

PART VI. FEDERAL DEPOSIT INSURANCE CORPORATION

SECTION 601. *Credit union functions.*—The functions of the Farm Credit Administration and the Governor thereof under the Federal Credit Union Act, as amended, together with the functions of the Secretary of Agriculture with respect thereto, are transferred to the Federal Deposit Insurance Corporation.

PART VII. RECORDS, PROPERTY, PERSONNEL, AND FUNDS

SECTION 701. *Transfer of records, property, personnel, and funds.*—Except as otherwise provided in sections 702 and 703 of this plan, there are transferred to the respective agencies in which functions are vested pursuant to the provisions of this plan, to be used, employed, and expended in connection with such functions, respectively, or in connection with winding up the outstanding affairs of agencies abolished by this plan, (1) the records and property now being used or held in connection with such functions, (2) the personnel employed in connection with such functions, and (3) the unexpended balances of appropriations, allocations, or other funds available or to be made available for use in connection with such functions. In the case of the National Housing Agency established by part V of this plan, the transfers made under this section shall be made to the office of the Administrator or to the appropriate constituent unit of the Agency, as the case may be.

SEC. 702. *Personnel transferred from Office of Inter-American Affairs.*—The personnel transferred under section 701 from the Office of Inter-American Affairs to the Department of State shall be limited to such of the personnel employed under the said Office as the Secretary of State shall determine to be required by the Department of State by reason of the reorganizations provided for in part I of this plan.

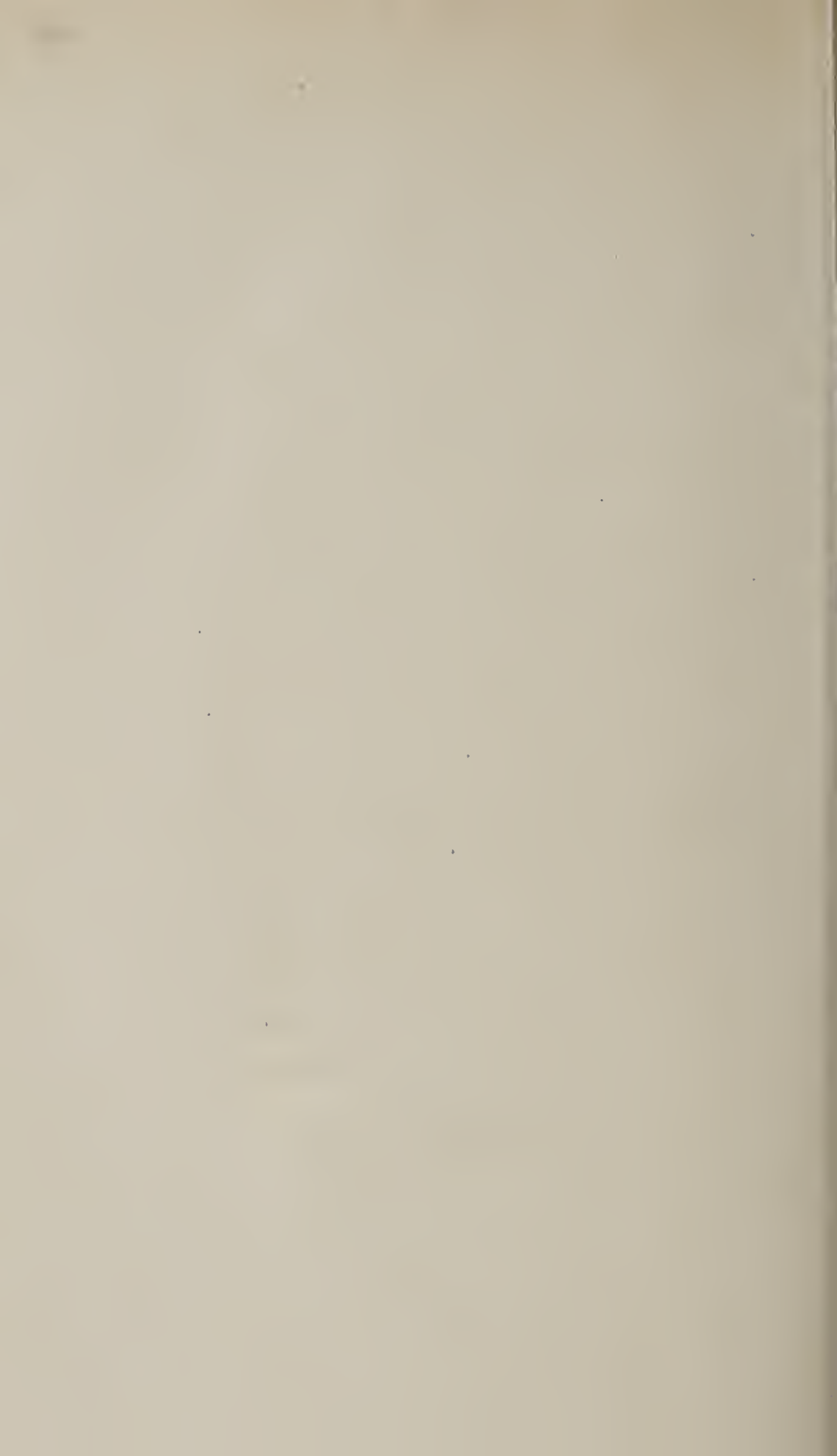
SEC. 703. *Disposition of certain affairs of the High Commissioner.*—Disposition shall be made as determined by the Director of the Bureau of the Budget of the records, property, personnel, and unexpended balances of appropriations, allocations, or other funds (available or to

be made available) of the United States High Commissioner to the Philippine Islands with a view toward (1) the use thereof by the Department of State for the purpose of winding up the affairs of the office of the United States High Commissioner to the Philippine Islands, (2) the use thereof by the official appointed by the President under section 402 of the Philippine Rehabilitation Act of 1946 in performing the functions vested in the High Commissioner by section 401 of that act, and (3) such other use and disposition thereof as may be in consonance with the provisions of the Reorganization Act of 1945 and other applicable law.

SEC. 704. *Disposition of excess personnel.*—Any of the personnel transferred under this plan which the transferee agency shall find to be in excess of the personnel necessary for the administration of the functions transferred to such agency by such plan shall be retransferred under existing law to other positions in the Government or separated from the service.

SEC. 705. *Dispositions by Director of the Bureau of the Budget.*—Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in order to effectuate the provisions of this part or in order to wind up the outstanding affairs relating to agencies or functions abolished by this plan shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

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79TH CONGRESS
2^D SESSION

H. CON. RES. 155

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 1946

Mr. PITTINGER submitted the following concurrent resolution; which was referred to the Committee on Expenditures in the Executive Departments

CONCURRENT RESOLUTION

- 1 *Resolved by the House of Representatives (the Senate con-*
- 2 *curring)* That the Congress does not favor the Reorganization
- 3 Plan Numbered 1 of May 16, 1946, transmitted to Congress
- 4 by the President on the 16th day of May 1946.

79TH CONGRESS
2d Session

H. CON. RES. 155

CONCURRENT RESOLUTION

Against adoption of Reorganization Plan Numbered 1 of May 16, 1946.

By Mr. PITTINGER

MAY 25, 1946

Referred to the Committee on Expenditures in the
Executive Departments

79TH CONGRESS
2^D SESSION

S. CON. RES. 64

IN THE SENATE OF THE UNITED STATES

MAY 29 (legislative day, MARCH 5), 1946

Mr. McCARRAN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

CONCURRENT RESOLUTION

1 *Resolved by the Senate (the House of Representatives*
2 *concurring)*, That the Congress does not favor the Re-
3 organization Plan Numbered 1 transmitted to Congress by
4 the President on May 16, 1946.

79TH CONGRESS
2^D SESSION

S. CON. RES. 64

CONCURRENT RESOLUTION

Disapproving Reorganization Plan
Numbered 1.

By Mr. McCARRAN

MAY 29 (Legislative day, MARCH 5), 1946
Referred to the Committee on the Judiciary

Union Calendar No. 708

79TH CONGRESS
2D SESSION

H. CON. RES. 155

[Report No. 2326]

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 1946

Mr. PITTENGER submitted the following concurrent resolution; which was referred to the Committee on Expenditures in the Executive Departments

JUNE 24, 1946

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

CONCURRENT RESOLUTION

- 1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That the Congress does not favor the Reorgan-
3 ization Plan Numbered 1 of May 16, 1946, transmitted to
4 Congress by the President on the 16th of May 1946,

79TH CONGRESS
2d Session

H. CON. RES. 155

[Report No. 2326]

CONCURRENT RESOLUTION

Against adoption of Reorganization Plan
Numbered 1 of May 16, 1946.

By Mr. PITTMER

MAY 25, 1946

Referred to the Committee on Expenditures in the
Executive Departments

JUNE 24, 1946

Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

REORGANIZATION PLAN NO. 1 OF 1946

JUNE 24, 1946.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GOSSETT, from the Committee on Expenditures in the Executive Departments, submitted the following

R E P O R T

[To accompany H. Con. Res. 155]

The Committee on Expenditures in the Executive Departments, to whom was referred the concurrent resolution (H. Con. Res. 155) against adoption of Reorganization Plan No. 1 of May 16, 1946, having considered the same, report favorably thereon without amendment and recommend that the concurrent resolution do pass.

GENERAL STATEMENT

On December 20, 1945, the President approved H. R. 4129, Public Law 263, known as the Reorganization Act of 1945. The Committee on Expenditures in the Executive Departments and the Congress recognized the need for reorganization of the executive departments. Section 2 of Public Law 263 of the Seventy-ninth Congress contains the following provisions:

SEC. 2. (a) The President shall examine and from time to time reexamine the organization of all agencies of the Government and shall determine what changes therein are necessary to accomplish the following purposes:

- (1) to facilitate orderly transition from war to peace;
- (2) to reduce expenditures and promote economy, to the fullest extent consistent with the efficient operation of the Government;
- (3) to increase the efficiency of the operations of the Government to the fullest extent practicable within the revenues;
- (4) to group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;
- (5) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and

(6) to eliminate overlapping and duplication of effort.

(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accom-

plished in great measure by proceeding under the provisions of this Act, and can be accomplished more speedily thereby than by the enactment of specific legislation.

(c) It is the expectation of the Congress that the transfers, consolidations, coordinations, and abolitions under this Act shall accomplish an over-all reduction of at least 25 per centum in the administrative costs of the agency or agencies affected.

On May 16, 1946, the President transmitted to the Congress Reorganization Plan No. 1 of 1946, which is as follows:

REORGANIZATION PLAN NO. 1 OF 1946

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 16, 1946, pursuant to the provisions of the Reorganization Act of 1945, approved December 20, 1945

PART I. DEPARTMENT OF STATE

SECTION 101. *Functions of the Office of Inter-American Affairs.*—There are transferred to the Secretary of State all functions of the Director of the Office of Inter-American Affairs (which Office was established as the Office of Coordinator of Inter-American Affairs by Executive Order No. 8840 of July 30, 1941, and renamed the Office of Inter-American Affairs by Executive Order No. 9532 of March 23, 1945) with respect to the following corporations, namely, the Institute of Inter-American Affairs, the Inter-American Educational Foundation, Inc., the Institute of Inter-American Transportation, the Inter-American Navigation Corporation, and Prencinradio, Inc., together with all rights and interests, authority, and obligations of the said Director and of his predecessors with respect to such corporations, including his authority with respect to holding the capital stock of the said corporations on behalf of the United States of America. All functions of the Office of Inter-American Affairs with respect to the aforesaid corporations are transferred to the Department of State. The functions transferred by this part shall be administered by the Secretary of State or, subject to his direction and control, by such officers and agencies of the Department of State as he may designate. The said Office of Inter-American Affairs and all functions thereof and of the Director of the Office of Inter-American Affairs not otherwise disposed of herein are abolished.

SEC. 102. *United States High Commissioner to the Philippine Islands.*—The office of the United States High Commissioner to the Philippine Islands is abolished.

SEC. 103. *Winding up of affairs.*—The Secretary of State shall provide for winding up those outstanding affairs of the agencies abolished by this part which are not otherwise disposed of herein.

PART II. DEPARTMENT OF THE TREASURY

SECTION 201. *National Prohibition Act functions.*—The functions of the Attorney General and of the Department of Justice with respect to (a) the determination of Internal-Revenue taxes and penalties (exclusive of the determination of liability guaranteed by permit bonds) arising out of violations of the National Prohibition Act occurring prior to the repeal of the eighteenth amendment to the Constitution, and (b) the compromise, prior to reference to the Attorney General for suit, of liability for such taxes and penalties, are transferred to the Commissioner of Internal Revenue, Department of the Treasury: *Provided*, That any compromise of such liability shall be effected in accordance with the provisions of section 3761 of the Internal Revenue Code. All files and records of the Department of Justice used primarily in the administration of the functions transferred by this plan are hereby made available to the Commissioner of Internal Revenue for use in the administration of such functions.

PART III. DEPARTMENT OF AGRICULTURE

SECTION 301. *Agricultural research activities.*—The functions of the Bureau of Animal Industry; the Bureau of Dairy Industry; the Bureau of Plant Industry, Soils, and Agricultural Engineering; the Bureau of Entomology and Plant Quarantine; the Bureau of Agricultural and Industrial Chemistry; the Bureau of Human Nutrition and Home Economics; the Office of Experiment Stations; the Agricultural Research Center; and the office of Agricultural Research Administrator, created by Executive Order No. 9069 of February 23, 1942 (7 F. R. 1409),

are transferred to the Secretary of Agriculture, and shall be administered by the Secretary of Agriculture or, subject to his direction and control, by such officers and agencies of the Department of Agriculture as he shall designate.

PART IV. OFFICE OF WAR MOBILIZATION AND RECONVERSION

SECTION 401. *Contract settlement functions.*—All functions of the Director of Contract Settlement and of the Office of Contract Settlement under the Contract Settlement Act of 1944 are transferred to the Director of War Mobilization and Reconversion and the Office of War Mobilization and Reconversion, respectively, and shall be administered by the Director of War Mobilization and Reconversion or, subject to his direction and control, by such officers and agencies of the Office of War Mobilization and Reconversion as he shall designate. There are also transferred to the Office of War Mobilization and Reconversion the Appeal Board established under section 13 (d) of the Contract Settlement Act of 1944 and the Contract Settlement Advisory Board created by section 5 of the said act: *Provided, however,* That the respective functions of each board shall remain vested therein as at present. The quarterly progress reports required of the Director of Contract Settlement by section 2 (b) of the Contract Settlement Act of 1944 shall be consolidated with the quarterly reports of the Director of War Mobilization and Reconversion required by section 101 (e) (8) of the War Mobilization and Reconversion Act of 1944 effective with the report required thereunder on the 1st day of October 1946. The quarterly progress report of the Director of Contract Settlement required in July 1946 shall be submitted at that time by the Director of War Mobilization and Reconversion as a separate report. The Office of Contract Settlement, including the office of Director of Contract Settlement but excluding the boards transferred under this section, is abolished.

PART V. NATIONAL HOUSING AGENCY

SECTION 501. *National Housing Agency.*—The agencies and functions of the National Housing Agency established under the First War Powers Act, 1941 (55 Stat. 838), by Executive Order No. 9070 of February 24, 1942 (7 F. R. 1529), are consolidated to form a permanent agency of the same name. Such Agency shall have the officers and constituent units hereinafter provided for, and shall be administered according to the provisions of this plan.

SEC. 502. *National Housing Administrator.*—The head of the National Housing Agency shall be known as the National Housing Administrator (referred to herein as the Administrator). He shall be appointed by the President, by and with the advice and consent of the Senate, and receive a salary at the rate of \$10,000 per annum unless the Congress shall otherwise provide.

SEC. 503. *Deputy National Housing Administrator.*—The Administrator may appoint a Deputy National Housing Administrator under the classified civil service. Such deputy shall receive a salary at the rate of \$10,000 per annum, shall act for the Administrator in his absence or disability, or in the event of a vacancy in the office of Administrator, unless the President shall otherwise direct, and shall perform such other duties as the Administrator may designate.

SEC. 504. *Constituent units.*—(a) The constituent units of the National Housing Agency shall be as follows:

(1) The Federal Home Loan Bank Administration with a Federal Home Loan Bank Commissioner who shall be the head thereof.

(2) The Federal Housing Administration with a Federal Housing Commissioner who shall be the head thereof.

(3) The Federal Public Housing Authority, which shall succeed to the corporate status of the United States Housing Authority, with a Federal Public Housing Commissioner who shall be the head thereof.

(b) Each such Commissioner shall be appointed by the President, by and with the advice and consent of the Senate, and receive a salary at the rate of \$10,000 per annum.

SEC. 505. *Functions of constituent units.*—(a) The following functions shall be administered by the Federal Home Loan Bank Administration:

(1) The functions of the Federal Home Loan Bank Board and its members under the Federal Home Loan Bank Act, as amended.

(2) The functions of the Board of Trustees of the Federal Savings and Loan Insurance Corporation under title IV of the National Housing Act, as amended.

(3) The functions of the Board of Directors of the Home Owners' Loan Corporation under the Home Owners' Loan Act of 1933, as amended.

(b) The functions of the Federal Housing Administrator under the National Housing Act, as amended, shall be administered by the Federal Housing Administration.

(c) The following functions shall be administered by the Federal Public Housing Authority:

(1) The functions of the Administrator of the United States Housing Authority under the United States Housing Act of 1937, as amended, and under title II of the act of June 28, 1940 (54 Stat. 676), as amended.

(2) The functions created or authorized by titles I and III, section 401, and title V of the act of October 14, 1940 (54 Stat. 1125), as amended.

(3) The functions of the War and Navy Departments with respect to defense or war housing (except that located on military or naval reservations, posts, or bases) under the act of September 9, 1940 (54 Stat. 872), as amended.

(4) The functions of all agencies designated to provide temporary shelter in defense areas under the acts of March 1, 1941, May 24, 1941, and December 17, 1941 (55 Stat. 14, 55 Stat. 197, and 55 Stat. 810, respectively), insofar as such functions relate to such temporary shelter.

(5) The functions of the Federal Loan Administrator with respect to the Defense Homes Corporation (which Corporation shall continue to be an agency of the United States until its liquidation is completed and shall be administered by the Federal Public Housing Commissioner, who shall receive and hold the capital stock of said Corporation on behalf of the United States of America).

(6) The functions of the Farm Security Administration with respect to housing projects which said Administration has determined are for families not deriving their principal income from operating or working on a farm.

(6) The functions to be administered by the constituent units under this section shall be deemed to be vested in the respective Commissioners, and in the administration thereof the Commissioners shall be subject to the authority of the Administrator.

(c) The provisions of this section shall be subject in all respects to the provisions of section 506 of this plan.

SEC. 506. *Functions of the National Housing Administrator.*—The Administrator shall have the following functions, which shall be performed by him, or, subject to his authority under the provisions of this plan, through such officers and employees of the National Housing Agency as he shall designate:

(a) The functions of the Secretary of Agriculture, Secretary of War, Secretary of the Navy, Federal Loan Administrator, and the Federal Works Administrator relating to the functions vested in the National Housing Agency or any constituent unit thereof under this plan.

(b) The conduct of any research or statistical activities relating to any function of the National Housing Agency or any of its constituent units.

(c) The determination of general policy and the making of findings with respect to the need for housing and termination of such need under titles I and III, section 401, and title V of the act of October 14, 1940 (54 Stat. 1125), as amended, the act of September 9, 1940 (54 Stat. 872), as amended (except as to housing located on military or naval reservations, posts, or bases), and the acts of March 1, 1941, May 24, 1941, and December 17, 1941 (55 Stat. 14, 55 Stat. 197, and 55 Stat. 810, respectively).

(d) The responsibility of assuring consistent execution of policy as outlined by law with respect to the program of the National Housing Agency and the constituent units thereof and of devising and applying methods and practices conducive to a unified housing program.

(e) General superintendence, direction, coordination, and control of the affairs of the National Housing Agency and its constituent units; the promulgation of such rules and regulations as the Administrator deems necessary to carry out his responsibilities under the provisions of this plan; and the review and approval, to such extent as he deems necessary, of the rules and regulations made by the Commissioners.

(f) The duty of transmitting to the Congress the annual reports of operations and activities prepared by the Commissioners as required by the second sentence of section 20 of the Federal Home Loan Bank Act, as amended, sections 5, 402 (f) and 406 (e) of the National Housing Act, as amended, and section 7 (b) of the United States Housing Act of 1937, as amended, together with such report of the programs and activities of the National Housing Agency as may be appropriate.

SEC. 507. *Agencies abolished.*—(a) The following agencies are abolished:

(1) The office of Federal Housing Administrator.

(2) The Federal Home Loan Bank Board, and the offices of the members thereof.

(3) The Board of Trustees of the Federal Savings and Loan Insurance Corporation, and the offices of the members thereof.

(4) The Board of Directors of the Home Owners' Loan Corporation, and the offices of the members thereof.

(5) The office of Administrator of the United States Housing Authority.

(b) The United States Housing Corporation created pursuant to acts of May 16, 1918 (40 Stat. 550), and June 4, 1918 (40 Stat. 595), shall be dissolved and abolished.

(c) The Federal Home Loan Bank Commissioner shall, subject to the authority of the Administrator as defined in this plan, wind up the outstanding affairs of the United States Housing Corporation.

SEC. 508. *Interim appointments.*—Pending the initial appointment hereunder of any officer provided for in this part, the functions of such officer shall be temporarily performed by such officer of the existing National Housing Agency as may be designated by the President.

PART VI. FEDERAL DEPOSIT INSURANCE CORPORATION

SECTION 601. *Credit-union functions.*—The functions of the Farm Credit Administration and the Governor thereof under the Federal Credit Union Act, as amended, together with the functions of the Secretary of Agriculture with respect thereto, are transferred to the Federal Deposit Insurance Corporation.

PART VII. RECORDS, PROPERTY, PERSONNEL, AND FUNDS

SECTION 701. *Transfer of records, property, personnel, and funds.*—Except as otherwise provided in sections 702 and 703 of this plan, there are transferred to the respective agencies in which functions are vested pursuant to the provisions of this plan, to be used, employed, and expended in connection with such functions, respectively, or in connection with winding up the outstanding affairs of agencies abolished by this plan, (1) the records and property now being used or held in connection with such functions, (2) the personnel employed in connection with such functions, and (3) the unexpended balances of appropriations, allocations, or other funds available or to be made available for use in connection with such functions. In the case of the National Housing Agency established by part V of this plan, the transfers made under this section shall be made to the office of the Administrator or to the appropriate constituent unit of the Agency, as the case may be.

SEC. 702. *Personnel transferred from Office of Inter-American Affairs.*—The personnel transferred under section 701 from the Office of Inter-American Affairs to the Department of State shall be limited to such of the personnel employed under the said Office as the Secretary of State shall determine to be required by the Department of State by reason of the reorganizations provided for in part I of this plan.

SEC. 703. *Disposition of certain affairs of the High Commissioner.*—Disposition shall be made as determined by the Director of the Bureau of the Budget of the records, property, personnel, and unexpended balances of appropriations allocations, or other funds (available or to be made available) of the United States High Commissioner to the Philippine Islands with a view toward (1) the use thereof by the Department of State for the purpose of winding up the affairs of the office of the United States High Commissioner to the Philippine Islands, (2) the use thereof by the official appointed by the President under section 402 of the Philippine Rehabilitation Act of 1946 in performing the functions vested in the High Commissioner by section 401 of that act, and (3) such other use and disposition thereof as may be in consonance with the provisions of the Reorganization Act of 1945 and other applicable law.

SEC. 704. *Disposition of excess personnel.*—Any of the personnel transferred under this plan which the transferee agency shall find to be in excess of the personnel necessary for the administration of the functions transferred to such agency by such plan shall be retransferred under existing law to other positions in the Government or separated from the service.

SEC. 705. *Dispositions by Director of the Bureau of the Budget.*—Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in order to effectuate the provisions of this part or in order to wind up the outstanding affairs relating to agencies or functions abolished by this plan shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

The committee held extensive hearings on Reorganization Plan No. 1 of 1946 and heard representatives of the Bureau of the Budget and the Attorney General's office. They also heard representatives of private organizations and individuals who were for and against the plan.

The committee bases its objection to part V of plan 1. The committee is of the opinion that the plan attempts to make permanent the National Housing Agency, a war agency, created by Executive Order No. 9070 under the First War Powers Act of 1941. The committee believes that there should be a permanent consolidation and grouping of all related housing agencies and functions thereof, but the committee does not believe that lending agencies, such as the Federal Housing Administration, which insures loans for private builders and private home owners, should be placed under the administrative control of the National Housing Agency or any other Federal agency whose primary function is to build houses with Federal funds and manage federally owned housing projects. The committee is strongly in favor of private ownership of homes and does not believe that private construction of homes for private ownership would be encouraged or protected by an agency whose policy favors Federal building and Federal control of homes.

The committee believes that the Congress, and the Federal Government, should encourage private home ownership and discourage Government ownership. The committee believes that home ownership is the foundation of our democracy.

The committee carefully considered the plan and does not believe that it meets the expectations of Congress as set out in section 2 of the Reorganization Act of 1945. The committee had hoped that the reorganization plans transmitted by the President would increase efficiency and reduce Government expenditures. No testimony was presented to the committee to show that either objective would be accomplished by the plan. For the above reasons, the committee asks the House to support House Concurrent Resolution 155 and reject Reorganization Plan No. 1 of 1946.

MINORITY REPORT

The issue which the House faces in considering reorganization plans 1, 2, and 3 of 1946 is whether improvements in governmental organizations can be made by orderly and constructive action of the Congress and the President working together, or whether we must wait for a serious break-down in the Government's administrative machinery before Congress will sanction such action.

The preservation of democracy in the United States requires the maintenance of a system of executive organization and administration which is effective and responsible. If the executive branch is divided so that similar functions are scattered among many agencies, so that administrative arrangements cannot be adjusted to meet technological changes, so that particular units are set aside from the main channels of governmental responsibility and left responsive to domination by special interests, not only will it fail in carrying out congressional mandates but it will also lose the confidence of the people.

We like to criticize the executive branch for what we call bureaucracy and red tape. These plans are aimed at making the executive branch more manageable. They begin to reduce the absurdly large number of persons reporting directly to the President.

No action would do more to paralyze the executive branch and to breed what we call bureaucracy than the defeat of these plans, for it would signify that the executive branch could never be made manageable. This would mean it could never be made responsible.

The Reorganization Act of 1945 was enacted because the Congress admittedly has met with no substantial success in dealing with the complex and arduous task of reorganizing the executive branch of the Government. This fact is acknowledged in the committee's report on the bill (Rept. 971, 79th Cong., 1st sess.). Comptroller General Lindsay C. Warren testified before the committee that—

We know from past experience, indeed from sad experience, here in this body, that the Congress will never of its own accord and of its own initiative reorganize the Government of the Nation.

By rejecting Reorganization Plans Nos. 1, 2, and 3 of 1946, which were submitted to the Congress after careful study and consideration, the Congress would, in effect, say to the President: "Reorganization is a fine thing, but we cannot do the job, and we will not let you do it."

In enacting the Reorganization Act, the Congress reserved to itself a veto over any plans which it might feel was not in the public interest. This procedure gives the Congress assurance that any major change in the structure of the executive branch could be thoroughly considered by the Congress. Plans 1, 2, and 3 entail no radical changes. In fact, they deal almost entirely with minor administrative adjustments and in many cases merely continue arrangements which have worked successfully on a temporary basis during the war. To reject adjustments of this sort is tantamount to saying that no reorganization, however inconsequential, may be made.

The arguments made by witnesses against the three reorganization plans are almost entirely irrelevant, or inaccurate. A reading of the record will quickly demonstrate that. Witnesses testified that by adoption of the plans the Government would embark on new programs or the policies of Congress would be changed; nothing in any plan changes the substance of any governmental program. Charges were made before the committee that the rights and privileges of citizens would be adversely affected; the plans make no changes which decrease such rights. The sole effect of the plans is to adopt or continue organizational arrangements which will permit the more effective conduct of governmental activities which have been authorized by the Congress. The manner in which this is done is shown in later pages of this report. Further, the organizational changes proposed in each case meet one or more of the requirements imposed by Congress of promoting increased efficiency, reducing overlapping and duplication of effort, consolidating agencies and functions according to major purpose, reducing the number of agencies, and promoting economy.

Secretary of State James F. Byrnes, when a Member of the Congress, said:

I have yet to talk with reference to reorganization to one man in the Government service who did not make this answer: "I know it should be done, but"—and then, when he joins the great old order of "butters" you will find that he says, "but do not touch my department; do not touch my bureau; do not touch my division."

If the Congress fails to approve the three reorganization plans submitted by the President, it, too, will be joining the great old order of "butters."

Obviously some persons object to the plans. No one expected there would be no objections. No plan would receive everybody's support. Someone is always affected by it, or thinks he would be. Reorganization is always unpopular. The great chorus of "butters" has a loud voice. But the rejection of the three reorganization plans presented by President Truman to the Congress would be wholly unwarranted on the basis of the facts presented to this committee.

The 28 individual items contained in the three plans cover a broad area of governmental activity. Twelve of them have the effect of consolidating related functions and programs. In most of these cases economies will be realized from the consolidation. More important, however, is the fact that the money now spent by the Government for these activities should bring a greater return from more effective administration. Nine of the items clean up minor administrative problems which, if not handled, will involve either embarrassment for the Government, additional and unnecessary work, or complicated administrative arrangements.

Some of the items in the plans will yield immediate economies by the abolition of jobs and functions and in the long run will make possible the continuance in the postwar years of organizational arrangements which have proved their effectiveness under the stress of war. While no new economies result from this type of action, no one can deny that additional confusion and expense would be entailed if these organizations were to be broken up and if six of the major departments and agencies of the Government were to be forced to abandon purely organizational arrangements which they adopted for reasons of increased economy and efficiency and which have proven to be practical over a period of several years.

These plans are all aimed at making it possible for the President to carry out his responsibilities of managing the Executive branch. They deal with matters which, by their very nature, are essentially Executive in character and an inherent part of the responsibility for administration. Rejection of the plans would be equivalent to saying that the Congress is responsible for managing the Executive branch, and it certainly would put the Congress in a weak position in trying to hold the President accountable.

The objections to the plans before the committee have been largely directed at three items: Part V of plan No. 1 of 1946, which provides for a National Housing Agency on a permanent basis; section 3 of plan No. 2 of 146, which transfers the functions of the United States Employees' Compensation Commission to the Federal Security Agency; and part I of plan No. 3 of 1946, which makes permanent the present location of the old Bureau of Marine Inspection and Navigation in the Treasury Department. These three reorganization proposals are discussed separately below.

NATIONAL HOUSING AGENCY

Discussion of Plan No. 1 has centered entirely on part V, which establishes a National Housing Agency. Witnesses against plan No. 1 have generated much heat but little light. They have gloomily predicted that the establishment of a National Housing Agency would seriously impair the usefulness of the Federal Housing Administration and Federal Home Loan Bank System, sacrifice private to public housing, and lead to socialization of housing and one-man dictatorship in the United States. These charges are fantastic. Nowhere in the plan itself or in the testimony of the witnesses can be found one jot of evidence to support these allegations.

Plan No. 1, part V, carries out the congressional mandate as set forth in section 2 (a) (4) of the Reorganization Act of 1945—

to group, coordinate, and consolidate agencies and functions, as nearly as may be, according to major purposes.

It brings together in a single agency the major functions of the Government related to housing. Although they have diverse programs, the Federal Housing Administration, the Federal Home Loan Bank System, and the Federal Public Housing Authority have a single objective—the provision of better housing for American families.

To describe the Federal Housing Administration and the Federal Home Loan Bank System as "financial" or "credit" agencies is to confuse the means with the end. In the same sense the Federal Public Housing Authority could be described as a "credit" or "financial" agency, for a major part of its program consists of loans to local public housing agencies for the purpose of financing the development of slum-clearance and low-rent housing projects. But "financing" and "credit" are merely the instrumentalities which the Government has chosen to achieve its objectives in the housing field. If logic dictated that all Government agencies which lend money or guarantee loans and mortgages should be a part of the Federal Loan Agency or the Treasury Department, the Farm Credit Administration, the Veterans' Administration, the Farm Security Administration, the

Federal Public Housing Authority, the Federal Deposit Insurance Corporation, and many other agencies, as well as the Federal Housing Administration and the Federal Home Loan Bank System, should be transferred to such an agency.

Plan No. 1 does not create any new housing programs. It does not continue any function beyond the period authorized by law for its exercise. It does not promote more or less public housing, or more or less private housing. All of the functions to be consolidated in the new National Housing Agency have been specifically authorized by the Congress. The constituents of the National Housing Agency are not temporary war agencies but permanent agencies which were established by the Congress prior to the war.

Plan No. 1 does make possible the more efficient and economical performance of the Government's housing program. Members of Congress have vivid recollections of the chaos which existed prior to February 1942, when housing functions were scattered throughout the Government. Few would deny that the consolidation of housing functions under the temporary National Housing Agency served a useful and necessary purpose. As the President pointed out in his message—

it was demonstrated time and again that one housing agency could operate more efficiently and economically than many.

Are we deliberately to ignore the lessons of experience and to permit a return to chaos?

The primary initiative in housing must come from local communities and the major responsibility for home building from private enterprise. Public housing should be confined to those areas in which private enterprise cannot or will not operate. Public housing should not compete with private housing. Such competition will be avoided by unifying the Government's housing activities, not by setting up separate and rival public and private-housing agencies.

There need be no fear that a National Housing Administrator charged with responsibility for both private and public housing will sacrifice one to the other. As the Senate Committee on Banking and Currency stated in its report (S. Rept. 1131, 79th Cong., 2d sess.):

No matter what may be the leanings of a particular Administrator (and there has been no evidence and practically no claim that either of the two National Housing Administrators thus far has shown bias), no National Housing Administrator can administer a larger public-housing program, or a larger program of insuring privately financed mortgages, or a larger program of rural housing than the Congress itself authorizes. The main difference between one housing agency and many housing agencies is that, in the case of the former, the Congress has much better opportunity and facilities for knowing fully and promptly what is being done, and therefore, it is much better enabled to execute its own prime function of determining basic policy and vigilantly scrutinizing the nature of its administration.

Failure to unify the Government's housing activities will inevitably result in costly duplication of work. To cite but one example, the Federal Housing Administrator is authorized by statute (12 U. S. C. 1715) to make—

such statistical surveys and legal and economic studies as he shall deem useful to guide the development of housing and the creation of a sound mortgage market in the United States.

If the housing activities were separated, each of the housing agencies would have to undertake similar statistical, legal, and economic studies "to guide the development of housing." In many cases the studies would be almost identical. Such duplication is prevented by section 506 (b) of plan No. 1, which authorizes the National Housing Administrator to conduct—

any research or statistical activities relating to any function of the National Housing Agency or any of its constituent units.

Under the provisions of the plan, the Administrator may undertake such studies in his own office or permit the constituents to carry on the studies.

Some witnesses charged that plan No. 1 violates the provisions of the Reorganization Act by continuing an agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made. The argument is ingenious but specious. The plan does not continue the life of a temporary agency. It creates an entirely new agency which happens to have the same name as the previous temporary agency. Representatives of the Attorney General of the United States have testified as to the plan's legality.

Even the opponents of the plan freely acknowledge that under the terms of the Reorganization Act the President would have the authority to establish a new housing agency of a different name, or to transfer or consolidate the housing agencies in any way he deemed appropriate. But the only thing they would debar him from doing is to continue an organizational grouping which has undergone the rigorous test of experience and which has operated successfully during the past 4 years. It certainly was not the intent of Congress to compel the President to disregard the lessons of experience in favor of some new, untried form of organization.

The testimony against the provision affecting the National Housing Agency has been made to divert attention from the main issue—organization. The plan in no way alters the basic housing policy established by the Congress. What the plan does do is to provide the form of organization which will best promote the efficient and economical execution of that basic policy. Organization alternatives proposed by opponents of the plan would inevitably lead to chaos and confusion. Plan No. 1 is legal, sound, and clearly fulfills the purposes of the Reorganization Act of 1945. It should be approved.

EMPLOYEES' COMPENSATION COMMISSION

A few witnesses have objected to the provision of plan No. 2 abolishing the Employees' Compensation Commission and transferring its functions to the Federal Security Agency. Two principal objections have been made: (1) That the provision violates section 5 (a) (6) of the Reorganization Act with respect to quasi-legislative and quasi-judicial functions and (2) that it does not achieve any of the purposes set forth in section 2 of the act. Neither of these objections has any validity.

Section 5 (a) (6) of the act stipulates that no reorganization plan shall provide for, or have the effect of, "imposing, in connection with the exercise of any quasi-judicial or quasi-legislative function possessed by an independent agency, any greater limitation upon the exercise

of independent judgment and discretion, to the full extent authorized by law, in the carrying out of such function, than existed with respect to the exercise of such function by the agency in which it was vested prior to the taking effect of such reorganization." It should be noted that this provision does not forbid transferring such functions from an independent agency provided the agency to which they are assigned has equal independence of judgment and discretion.

The administration of workmen's compensation, which is the only type of activity carried on by the agency, of course involves quasi-judicial functions. The greater part of the quasi-judicial work, however, arises under the Longshoremen's and Harbor Workers' Compensation Act and the act applying to private employees in the District of Columbia. Contrary to the impression given by critics of the provision, the quasi-judicial functions under these two acts are vested, not in the Employees' Compensation Commission as a body, but in deputy commissioners who are given by law "full power and authority to hear and determine all questions" with respect to claims. Appeals go, not to the Commission, but directly to the courts. Reorganization plan No. 2 makes no change whatever in the functions of these deputy commissioners.

In transferring the functions of the Commission to the Federal Security Agency, the plan merely transfers them from one independent agency to another and does not subject them to any greater outside control than before. The Federal Security Agency is subject to no higher administrative authority except that of the President as Chief Executive. The Agency will have the same degree of independence of judgment in performing these functions as the Employees' Compensation Commission has had.

The fact is that the plan affords claimants even greater protection than does the present arrangement. Whereas the present procedure makes no provision for appeals by Government employees if not satisfied with the Commission's decision on their claims, the plan provides for an appeals board to hear and decide appeals.

The decisions of this board will not be subject to review or modification by any administrative officer. This procedure is fully in accord with the Administrative Procedure Act recently passed by the Congress.

The charge that the transfer does not comply with the stated purposes of the Reorganization Act is completely groundless. It definitely achieves several of the purposes set forth in section 2 (a) of the act. It reduces the number of agencies by abolishing the Employees' Compensation Commission. It groups functions by major purpose by putting workmen's compensation in the same agency with other insurance systems for the protection of workers from want; and it increases efficiency of operations by bringing workmen's compensation under the Federal agency having the widest and most expert knowledge of problems of insurance administration. Also, it will make available the hundreds of field offices of the Federal Security Agency to receive claims in the field. This will enable the claimant to discuss his problems directly with a Government representative instead of having to handle them by correspondence with the central office.

In summary, this provision reduces the number of Government agencies, provides for more efficient administration of the workmen's compensation programs, assures as great independence of judgment

in the determination of claims as before, and affords claimants the added protection of an appeals board. The Department of Justice has testified to the legality of the provision. The Congress cannot criticize the President for the clumsy organization of the executive branch and at the same time block his efforts to simplify the administrative structure.

BUREAU OF MARINE INSPECTION AND NAVIGATION

Under the provisions of sections 101-104 of part I, the Bureau of Marine Inspection and Navigation of the Department of Commerce is abolished and its functions allocated in part to the Coast Guard and in part to the Bureau of Customs, both in the Treasury Department.

The organizational framework of the Bureau of Marine Inspection and Navigation prior to its transfer to the Treasury Department in 1942 was antiquated and greatly in need of a thorough overhauling. Since early days legal powers had been vested in local inspectors, principal traveling inspectors, and other regional officers, rather than in the administrative head of the Bureau. As a result there was great diversity of both policies and procedures and a minimum of consistent application of inspection functions on a Nation-wide basis. This wholly unsatisfactory set-up is corrected by section 104 of the plan which rescinds the authority of these local offices and vests their functions in the Commandant of the Coast Guard.

A glaring example of this undesirable division of authority is to be found in the Board of Supervising Inspectors. The continued existence of this autonomous Board was criticized by the Senate Committee on Commerce (75th Cong., 1st sess., Rept. No. 184) when it declared that:

Under the existing laws the Board of Supervising Inspectors is vested with authority to make rules and regulations and perform many other duties. While this may have been justified at the time the law was enacted it can no longer be considered satisfactory. The duties of the supervising inspectors and their daily experience does not fit them for the decisions they are required to make.

This report came from the committee which, pursuant to Senate Resolution 7 (74th Cong.), had investigated the *Morro Castle* and *Mohawk* disasters which topped a decade of distressingly frequent maritime tragedies. It is of interest to note that this finding was based upon the recommendation of an advisory committee consisting of members representing the Department of Labor, the Bureau of Marine Inspection and Navigation, the Coast Guard, the United States Navy, and eminent private ship operators and naval architects.¹

The Congress did not enact the sweeping legislation recommended by the Copeland committee nor is it possible for plan III to cover such a broad field. But it does transfer all regulatory authority from

¹ The personnel of the advisory committee consisted of—

Rear Adm. George H. Rock (Construction Corps) U. S. Navy (retired), Society of Naval Architects and Marine Engineers.

H. Gerrish Smith, National Council of American Shipbuilders.

William Francis Gibbs, naval architect.

George Sharp, naval architect.

J. Lewis Luckenbach, American Bureau of Shipping.

J. B. Weaver, Bureau of Marine Inspection and Navigation.

H. L. Seward, U. S. Shipping Board Bureau, Department of Commerce.

Capt. A. H. Van Keuren (Construction Corps), U. S. Navy.

Commander H. J. Smith, U. S. Navy.

Commander Herbert N. Perkam, Coast Guard.

Lt. Comdr. Edward M. Webster, Coast Guard (retired), Federal Communications Commission.

unqualified boards and individuals to a single person who can be held responsible for the administration of maritime safety laws—the Commandant of the Coast Guard.

The Coast Guard already has vast responsibility in the field of maritime safety—a responsibility which it has long discharged efficiently and effectively. Its excellent conduct of lighthouse and lightship operations, of channel and reef marking, of iceberg patrols, of derelict removals, and of lifesaving activities is well known. Much more will be heard of its recently developed air-sea patrol and rescue operations. What organization in the executive branch of the Federal Government could be expected more zealously and conscientiously to administer and enforce the laws designed primarily to insure safety of life and property at sea than the one whose men must risk their lives when things go wrong? The close relationship between the regular duties of the Coast Guard and those of the Bureau of Marine Inspection and Navigation is obvious. One needs only to read the list of functions in section 101 of the plan which are proposed for transfer to the Coast Guard to establish this fact. On the other hand, there is little if any relationship between the functions of the Bureau and those of the other bureaus and divisions of the Department of Commerce.

The Coast Guard has a military form of organization, but in time of peace it is not a military organization in the same sense as the Army or Navy. It is composed of men who want to follow the sea as their career but not as part of a fighting force. They are trained in their academy in nautical engineering and construction, and in the ways of the sea, rather than in tactics, strategy, ballistics, and logistics. Their peacetime pursuits are definitely civilian in character, but conducted within the framework of a well-paid and dignified career service which is attractive to men of high caliber.

It has been alleged that one result of the plan will be to staff the Bureau of Marine Inspection and Navigation with men who are not qualified by virtue of having had long service in the merchant marine. The Copeland advisory committee, in discussing the personnel of the Bureau of Marine Inspection and Navigation, made the following observation:

The National Government has a definite responsibility to the public in connection with the safety of all vessels and it has undertaken to discharge this responsibility by the enactment of laws, but, unfortunately has not always provided for the proper administration of them. Under modern conditions something more than seafaring experience is required to decide upon the technical features of ships and to decide, by inspection, upon the satisfactoriness of their construction, the adequacy of repairs to them, and the condition in which they are maintained. A shipmaster or a ship engineer is not necessarily qualified to undertake this work; in fact, the probabilities are very much against his being qualified.

The position of inspector is not a post for the average retired sea captain or chief engineer. The character of the inspection service, while under the auspices of the Coast Guard, has been greatly improved through the introduction of technicians trained in the field of nautical engineering. Not that the old-line Bureau inspectors have been dismissed. Simply that their ranks have been strengthened to the point where it can now be said that the Inspection Service consists for the first time in the Nation's history of a balanced and competent force.

How often is it possible to give a proposed plan of reorganization a 4-year trial before finally confirming it? Yet that is exactly the present situation. The functions in question were transferred to the Coast Guard in February 1942. Ever since then the Coast Guard has demonstrated its ability not only to carry on under the most trying circumstances, but also greatly to improve safety procedures and working conditions to the definite benefit of licensed and unlicensed merchant-marine personnel and of shipowners. The entire administrative structure has been overhauled and simplified. The hearings procedures have been revised in accordance with principles laid down by the Congress in the passage of the Administrative Procedures Act. The application of rules and standards has been made uniform so far as possible throughout the service. To attempt to split apart the new organization which has been created would lead to endless confusion. Even if such a step were contemplated, it is indeed difficult to imagine what offsetting gain would arise from the transfer of an integral part of our marine safety and policing organization to the Department of Commerce—a department which is placing increasing emphasis on the promotion of business, industry, and trade.

In considering the merits of this proposal the fact should not be overlooked that section 102 of the plan would transfer to the Bureau of Customs a considerable number of functions now legally vested in the Bureau of Marine Inspection and Navigation. Although the Bureau of Customs has discharged these functions for over a century, since 1903 its work has been governed by the regulations and decisions of the Commerce Department. This supervision by an outside agency which has little practical contact with the work in the field is confusing, and produces an impossible duality of responsibility. Since the Bureau of Customs executes these laws, which relate much more closely to the protection and collection of the revenue than to the safety of life and property at sea, the Treasury Department is best informed as to the nature of the regulations that are necessary.

The proposal of the plan to place the Bureau of Marine Inspection and Navigation functions in the Treasury Department gains stature when the alternatives are considered. Obviously the Bureau of Marine Inspection and Navigation should not be made an independent agency to increase the already too numerous agencies outside the framework of departments. There are no persuasive reasons for returning the functions to the Department of Commerce—particularly if such an action meant returning to the antiquated administrative system of independent local boards and inspectors required by statute. The performance of the functions is now integrated with other related Coast Guard activities and no advantages are apparent which would justify the disruption of the present organizational relationships. It is patently clear that the proposed transfer of functions is in full conformity with the purposes of the Reorganization act of 1945—particularly as regards increased efficiency of operations and consolidation of functions according to major purposes.

MANY IMPORTANT ITEMS INCLUDED IN EACH PLAN

The strongest criticism of the plans by persons testifying before the committee has fallen as the three items just considered and, as has been shown, the arguments generally do not go to the heart of the

matter which is the question of organizational arrangement. The opposition consists essentially of unwarranted fears, charges of illegality which cannot be sustained, and matters of program policy which are not relevant to the Reorganization Act procedure.

With minor exceptions no objections have been raised to the other items which constitute the bulk of the plans. This situation has placed undue emphasis upon certain items while overlooking the many advantages that also come from other parts of the plans. Each item was included because it represented a particular organizational problem, and the plan contains a carefully considered solution. The true meaning, both of these specific plans and of the entire Reorganization Act procedure is lost unless attention is directed to each of these items and due consideration given to their cumulative effect as a step in strengthening and making more effective governmental administration. A brief statement on the items in each plan follows.

PLAN NO. 1

Office of Inter-American Affairs.—The plan transfers five corporations of this agency to the State Department. The Office itself will terminate 6 months after the war, but three of these corporations have commitments, financing, and charters extending into fiscal 1949. Unless this transfer is made, these corporations will be left wandering in the administrative firmament without any directing head. This is a situation which needs attention, and the plan provides the answer to this urgent situation.

Office of the United States High Commissioner to the Philippines.—The granting of independence to the Philippine Republic eliminates the need for this Office. Obviously, it must be abolished and Philippine relations concentrated in the State Department.

National Prohibition Act.—The administration of taxes and penalties under the National Prohibition Act was concentrated in the Bureau of Internal Revenue during the war. To return part of these functions to the Department of Justice would cause needless inconvenience and added expense. Enactment of the plan will prevent such inconvenience and expense.

Agricultural research activities.—By transferring to the Secretary the functions of the research bureaus of the Department of Agriculture, plan No. 1 enables him to continue their consolidation in the Agricultural Research Administration. This arrangement has brought increased efficiency in the performance of agricultural research activities during the war and has been recognized by the Congress in appropriation acts. The Department strongly desires its continuance. Reorganization plans are the mechanism which Congress created to meet just such problems.

Office of Contract Settlement.—The work of this Office is nearing completion. The plan carries out the recommendation of the Director of the Office that it be abolished and its remaining activities be transferred to the Office of War Mobilization and Reconversion. In anticipation of this action, economies representing a third of the administrative cost of the Office of Contract Settlement have been effected in present Budget estimates. Defeat of the plan will force either continued existence of the Office or resort to less effective means for its elimination.

Credit union functions.—The plan continues the transfer of the supervision of credit unions from the Farm Credit Administration to the Federal Deposit Insurance Corporation. Credit unions are predominantly urban rather than rural institutions. Experience has demonstrated that the Federal Deposit Insurance Corporation is in the best position of any agency to supervise them and can handle much of the work through its regular examining staff at minimum expense.

To summarize, except for objections to the establishment of a permanent National Housing Agency, no objections have been presented against any of the proposals included in plan No. 1. We have already pointed out that the objections to part V, on housing are almost wholly irrelevant. Each of the actions contemplated by the plan represents a necessary and desirable improvement in the conduct of Government business. In each case the proposal has the approval of the agency concerned. Several represent arrangements which have been tested and proven successful during the war. Adoption of the plan will enable the President to administer the programs authorized by the Congress in what he has determined, and what experience has demonstrated, to be the most effective manner. The plan should be approved.

PLAN No. 2

Children's Bureau.—The transfer of the Children's Bureau, exclusive of its child-labor functions, to the Federal Security Agency will gear the children's programs in more effectively with other health and welfare activities to which they are very closely related. It also will enable the Bureau to exert a stronger influence on programs of the Federal Security Agency vitally affecting child life. The transfer clearly makes for greater efficiency, economy, and better service. The Chief of the Children's Bureau has publicly expressed her approval of the transfer.

Vital statistics.—The transfer of vital statistics from Census to the Federal Security Agency will make possible consolidation of vital statistics and morbidity statistics work. This transfer has been urged by the Association of State and Territorial Health officers, the members of which have charge of vital statistics work in all but one of the States. It will place vital statistics in the Federal agency which makes the greatest use of them in its operations.

Social Security Board.—The abolition of the Social Security Board will provide more expeditious and efficient administration and save money by reducing the overhead structure for administering social security activities. In the formative stages of the social security program the Board performed a valuable service, but its continued existence is no longer necessary.

Internal adjustments in the Federal Security Agency.—Plan No. 2 makes several other changes in the internal organization of the Federal Security Agency designed to simplify and increase the efficiency of its administration. All except one of these changes were specifically recommended by the Agency itself, and that one accomplishes the purpose of a further recommendation of the Agency. No objection has been raised to any of these provisions except the abolition of the board of visitors of St. Elizabeths Hospital. The abolition of this board eliminates a body whose statutory functions overlap those of the Federal Security Administrator. The active performance by the

board of its outdated statutory functions would mean dual control of the institution and seriously interfere with its administration. Nothing in the plan, however, will prevent the administrator or the Superintendent of the hospital from naming an advisory board if one is deemed desirable.

As indicated in the President's message of transmittal, Reorganization Plan No. 2 closes the principal gaps in the Federal Security Agency as the central agency of the Government in matters relating to education, health, and welfare, perfects its organization, and lays the foundation for the establishment, by the Congress, of an executive department to deal with this vital field of Federal activity. The opposition to the plan has consisted almost entirely of baseless objections and fears concerning the inclusion of the Employees' Compensation Commission in the Agency. Such objections should not be permitted to obstruct the basic improvements in Federal administration achieved by plan No. 2. The plan should be approved.

PLAN NO. 3

Functions of the Bureau of Marine Inspection and Navigation.—Comment has already been made on this item.

Functions with respect to certain insane persons.—The plan transfers responsibility for the care of military and naval mental patients to the War and Navy Departments from the St. Elizabeths Hospital.

It has been contended that this removal of responsibility reduces the effectiveness of the institution as a "teaching hospital" in the care of the insane. In refutation of this argument, the patient load of St. Elizabeths without the patients from the Army and the Navy is still as great as the capacity of the physical plant. Its further growth would make the institution unwieldy and become a threat to the maintenance of high standards of care. The War and Navy Departments provide extensive medical services at the present time, including care of the insane, and the effect of the plan is largely to extend on a permanent basis the organizational arrangements which had been developed at the close of the war.

Hydrographic Office and Naval Observatory.—The Navy Department requested that the Hydrographic Office and the Naval Observatory be permanently transferred to the Office of the Chief of Naval Operations rather than revert to the Bureau of Naval Personnel when the emergency period terminates. This transfer is an example of the proper grouping of internal departmental functions, and it should be effected.

Supply Department of the United States Marine Corps.—Consolidation of the Quartermaster General and Paymaster General of the Marine Corps into a Supply Department represents a sincere attempt on the part of the Marine Corps to improve the effectiveness and efficiency of their supply organization. Substantial economies are anticipated from the consolidation.

Franklin D. Roosevelt Library at Hyde Park.—The consolidation of functions of the National Park Service and the Public Buildings Administration at Hyde Park is an improvement included in the plan which should result in better service to persons visiting that national shrine. The present duplication in responsibility at the library is untenable.

Functions relating to mineral deposits on certain lands.—The transfer of the administration of minerals on certain agricultural lands to the Department of the Interior is an action suggested by and resulting from the experience of both the Department of Agriculture and the Department of the Interior. Again, it is the type of action which demands attention and which is rightfully included in a reorganization plan.

Bureau of Land Management.—The combination of the General Land Office and the Grazing Service in the Department of the Interior represents a merger of two agencies administering parts of the public domain. Both the Secretary of the Interior and the Budget Director believe that this merger will produce administrative economies and improvements in program effectiveness.

Department of Agriculture.—The transfer of the functions of certain bureaus of the Department of Agriculture to the Secretary would allow him to continue the organization of the Production and Marketing Administration in his Department. Experience during the crisis years of the war has proven this to be an effective arrangement. The food crisis is by no means over, and the Secretary of Agriculture should be equipped to organize the functions of his Department in this important field in the most effective manner. The Congress, through its appropriation acts, has already assented to the arrangements of the Secretary in this regard.

Certain functions of the National Bureau of Standards.—The transfer of the Division of Simplified Trade Practices and the Division of Commercial Standards from the Bureau of Standards to the Office of Domestic Commerce is an action recommended by the Secretary of Commerce in line with the general grouping of functions within his department and with the recommendations of a committee of outstanding businessmen.

Canal Zone Biological Area.—Action on the Canal Zone Biological Area presents a method of relieving Cabinet members from performance of minor functions and at the same time placing responsibility for the area in a Government agency with related functions.

Miscellaneous functions.—The elimination of strike ballots and the transfer of the placement functions under the Selective Service and Training Act of 1940 from the Selective Service System to the United States Employment Service are actions which bring the Executive allocation of functions into line with policies indicated by previous congressional action.

Looking at plan No. 3 with a full appreciation of the effect of each of its provisions, it seems apparent that the administration of various Government activities would be improved; that economies would be effected; and important consolidations would be made in three major departments. No basic objections to the plan which would offset these advantages have been introduced before the committee. The plan should be approved.

CONCLUSION

Plans No. 1, 2, and 3 should be considered solely on their merits. There is no question that these plans would improve the organization of the executive branch. No evidence has been produced that would warrant rejection of the plans by the House of Representatives.

Quite aside from the meritorious features of these plans, they present a further clear-cut issue. Is the Congress going to assume responsibility for blocking necessary improvements in the organization of the executive branch, or is the principle of Presidential initiative and joint action with the Congress under the Reorganization Act of 1945 going to prevail?

Do we or do we not want reorganization? The President, in accordance with the mandate of the Congress, has studied the organization of the Government and presented his first three plans to the Congress. The plans clearly conform to the purposes and are in accordance with the provisions of the Reorganization Act. Is the Reorganization Act of 1945 to be only an empty gesture?

JENNINGS RANDOLPH.

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Calendar No. 1704

79TH CONGRESS
2^D SESSION

S. CON. RES. 64

[Report No. 1670]

IN THE SENATE OF THE UNITED STATES

MAY 29 (legislative day, MARCH 5), 1946

Mr. McCARRAN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

JULY 9 (legislative day, JULY 5), 1946

Reported adversely by Mr. McCARRAN and placed on the calendar

CONCURRENT RESOLUTION

1 *Resolved by the Senate (the House of Representatives*
2 *concurring)*, That the Congress does not favor the Re-
3 organization Plan Numbered 1 transmitted to Congress by
4 the President on May 16, 1946.

Calendar No. 1704

79TH CONGRESS
2d Session

S. CON. RES. 64

[Report No. 1670]

CONCURRENT RESOLUTION

Disapproving Reorganization Plan
Numbered 1.

By Mr. McCARRAN

MAY 29 (legislative day, MARCH 5), 1946

Referred to the Committee on the Judiciary

JULY 9 (legislative day, JULY 5), 1946

Reported adversely and placed on the calendar

REORGANIZATION PLAN NO. 1

JULY 9 (legislative day, JULY 5), 1946.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. Con. Res. 64]

The Committee on the Judiciary, to whom was referred the concurrent resolution (S. Con. Res. 64) disapproving Reorganization Plan No. 1, having considered the same, report unfavorably thereon with the recommendation that the concurrent resolution be disapproved.

INTRODUCTION

Enactment of the Reorganization Act of 1945 involved a broad grant of discretion by the Congress, to the President, to reorganize the executive branch of the Government in accordance with what he considered sound administrative principle, subject to certain mandates and prohibitions specifically written into the act.

Under the provisions of the Reorganization Act, each plan must be approved or rejected as a whole; component parts of a plan cannot be acted upon separately.

It was well recognized by the Congress—and commented upon in committee and on the floor—that whatever the President might propose with respect to curtailment of the powers or functions of any particular department or agency probably would be subject to objections from that agency and from a certain satellite segment of public opinion which could be readily influenced by that agency. Since such objections were expected, it seems reasonable to assume it was the will of the Congress that the President's decisions with respect to policy and with respect to the advisability and desirability of such changes as he might propose should be, if not controlling, at least strongly persuasive.

The Congress gave the President certain powers. The Congress will hold the President responsible for the effectiveness and efficiency of the administration of the executive branch and for the results of any reorganizations which may be put into effect. The responsibility for

results is wholly the President's. Therefore, it seems entirely reasonable to contend, as the administration does contend, that the President's proposals should not be lightly rejected because of a mere challenge to the wisdom or desirability of any particular proposed reorganization.

It is important, therefore, to distinguish clearly between objections to and criticisms of any individual reorganization plan, or items therein which are based upon questions of expediency, policy, or desirability. In the analysis which follows, this distinction is made, and the two kinds of objections are separately set forth.

Enactment of the Reorganization Act of 1945 clearly evidenced a desire by the Congress that reorganization of the executive branch shall be accomplished. Certainly, therefore, while it is clearly the duty of the Congress to examine each plan, and each component of each plan, with the greatest care to determine whether it complies in every respect with the provisions of the Reorganization Act of 1945, the illegality of a plan, or of any particular provision of a plan, should be clearly evident in order to justify rejection of the plan, since such rejection would be, in effect, in derogation of the will of the Congress that there shall be reorganization in the executive branch.

In this connection, it should be borne in mind at all times that the Attorney General of the United States has stated unequivocally his own complete approval of the legality of each of the reorganization plans transmitted by the President and of all of the provisions therein.

It has been argued, as a general objection to these three reorganization plans, that they do not provide for specific savings in dollars and cents and that savings of at least 25 percent are contemplated by the Reorganization Act.

While witnesses at the hearings have been reluctant to testify concerning prospective savings, a partially inconclusive study made by the committee staff indicates that savings of approximately \$500,000 may perhaps be reasonably anticipated, on the basis of a comparison of the costs of administration, in the event these plans become operative, with the costs of administration if the agencies affected continue on the present basis or revert to their permanent prewar status. Entirely aside from this point, however, it should be noted that the Reorganization Act does not specifically require savings; and that the language with respect to the expectation of Congress in that regard was rewritten so as to be applicable not to any particular reorganization plan or plans but as an over-all expectation with respect to all reorganizations proposed by the President under the act. Since it has been testified that other reorganization plans are in process of formulation and will be submitted at a later date, it does not appear to be essential, as a matter of law, that any specific savings should be demonstrated as certain to occur under the plans now before the Congress.

Questioning of Government witnesses at the hearings was purposely very explicit on many points which seemed to require clarification either of the intent of the plan or of the interpretation which would be placed upon certain provisions of the plan. With respect to such matters of intent and interpretation, the committee wishes to point out that the testimony of Government witnesses, particularly those who worked on the plans while they were in process of preparation, must be considered controlling as to intent; and that such testimony

is equally controlling as to interpretation, unless the Congress shall clearly and specifically indicate otherwise. It has been the purpose of the committee, in raising these various issues during the hearings, to lay a foundation for a rational interpretation and administration of these reorganization plans and to resolve in advance, as far as possible, and to the extent that such questions can be anticipated, the many questions which may be expected to arise in the event the plans become effective. Thus, in approving any one of these plans, the Congress will be approving not merely the language of the plan as set forth and explained in the President's message transmitted to the Congress but also the interpretation and intent of the plan, or any provision thereof, as explained by Government witnesses at the hearings, unless the contrary intent of the committee or the Congress shall be otherwise clearly expressed.

DISCUSSION

Reorganization Plan No. 1 of 1946 was transmitted to the Senate on May 16. The President's message of transmittal, and the text of the plan, have been printed as House Document 594, Seventy-ninth Congress, second session. In this report each section of the plan will be taken up in order. Specific objections made to the provisions of any section will be noted and discussed.

SECTION 101

This section transfers to the Secretary of State the functions of the Office of Inter-American Affairs, and of the Director thereof, with respect to certain corporations; and abolishes all other functions of the Office of Inter-American Affairs and the Director thereof.

Testimony by Government witnesses before the committee was emphatic that this section involves no intent to continue the existence or functions of any of the affected corporations beyond the time when they would otherwise expire, or to give to the Secretary of State, through the transfer to him of control over these corporations, any authority or power which he does not otherwise possess or which has not been legally provided for such corporations. It was also made clear that the President's plan intends that the corporations shall continue their legal existence as corporate entities.

Legal objections

None.

Nonlegal objections

None.

SECTION 102

This section abolishes the Office of the United States High Commissioner to the Philippine Islands, in recognition of the fact of achievement of independence by the Philippine Republic.

Legal objections

None.

Nonlegal objections

None.

SECTION 103

This section provides for winding up by the Secretary of State of the outstanding affairs of the Office of Inter-American Affairs and the Director thereof, other than those respecting the corporations specifically transferred.

Legal objections

None.

Nonlegal objections

None.

SECTION 201

This section transfers to the Commissioner of Internal Revenue the functions of the Attorney General and of the Department of Justice with respect to the determination of, and the compromise of, liability for taxes and penalties arising out of violations of the National Prohibition Act.

Legal objections

None.

Nonlegal objections

None.

SECTION 301

This section transfers to the Secretary of Agriculture the functions of the Bureau of Animal Industry; the Bureau of Dairy Industry; the Bureau of Plant Industry, Soils, and Agricultural Engineering; the Bureau of Entomology and Plant Quarantine; the Bureau of Agricultural and Industrial Chemistry; the Bureau of Human Nutrition and Home Economics; the Office of Experiment Stations; the Agricultural Research Center; and the office of Agricultural Research Administrator.

Testimony before the committee by Acting Secretary of Agriculture Dodd and other Government witnesses indicated that the purpose of the proposed transfers is to facilitate consolidation and more effective administration, within the Department, of the duties and functions of the agencies affected.

Attention is directed to the testimony of the Acting Secretary to the effect that the office of Agricultural Research Administrator presently exercises no functions except functions temporarily transferred to that office from one or another of the bureaus specifically affected by this section; and that, therefore, the effective consolidation of all these functions in the Secretary of Agriculture would be accomplished under this section even if the office of Agricultural Research Administrator had not been specifically named. It was clearly stated, however, that the mention of the Agricultural Research Administrator in this section would not be construed as a Presidential mandate that such office should be continued, though such continuance would be possible at the discretion of the Secretary of Agriculture.

Legal objections

None.

Nonlegal objections

None.

SECTION 401

This section transfers functions of the Office of Contract Settlement, and of the Director thereof, to the Office of War Mobilization and Reconversion, and the Director thereof.

Testimony before the committee indicated it is not contemplated that this transfer would operate to make the Office of War Mobilization and Reconversion a permanent agency; but rather, that the transfer is regarded as part of a process of gradual liquidation, based on the assumption that while the Office of War Mobilization and Reconversion will itself be wound up and liquidated within the period provided by statute, the functions of the Office of Contract Settlement and the Director thereof can be sooner liquidated; and that such liquidation can be more efficiently accomplished by the proposed transfer.

Legal objections

None.

Nonlegal objections

None.

SECTION 501

This section deals with the agencies and functions which are now, temporarily, components of the National Housing Agency, established by Executive Order No. 9070 under the First War Powers Act, and consolidates them to form a permanent agency. (Subsequent sections of this part of Reorganization Plan No. 1 deal with further provisions respecting the permanent agency so established.)

It should be noted that testimony by Government witnesses stressed the point that the President's intent was to deal with such agencies and functions as they legally exist on a permanent basis and that the reorganization plan is not intended to, and cannot under law, have the effect of granting any new powers or creating any new functions, or of extending any agency or function beyond the time when it would otherwise have expired under the law. Considered on this basis, the plan does not deal with the temporary National Housing Agency as such, and therefore the time when that temporary Agency will expire is immaterial.

Attention is directed to the memorandum of the Acting Assistant Solicitor General (hearings, pp. 241-242) with respect to the legality of part V of this plan, which covers its subject competently and which contains the positive statement that—

The provisions of the plan do not in any way affect, or purport to affect, the nature of the functions vested in the National Housing Authority or the officers or constituent units thereof; nor does it in any way affect the life of such functions. The nature and longevity of the functions remain the same as they are at the present time.

Legal objections

Since the Reorganization Act authorizes the President to create a new agency, it may be considered that objections to sections 505 (d), 506 (d) and (e), as noted below, should be considered to apply to this section by implication.

Nonlegal objections

None.

SECTION 502

This section provides for a permanent head of the proposed National Housing Agency, to be known as the National Housing Administrator, at a salary of \$10,000 per year, to be appointed by the President by and with the advice and consent of the Senate.

(Attention is directed to the testimony of Government witnesses that appointments under the classified civil service, provided for in the reorganization plans, will be subject to such rules and regulations, with respect to qualifications and otherwise, as the Civil Service Commission may prescribe.)

Legal objections

None.

Nonlegal objections

None.

SECTION 503

This section provides for appointment of a Deputy National Housing Administrator, under the classified civil service, at a salary of \$10,000 per year.

Legal objections

None.

Nonlegal objections

None.

SECTION 504

This section provides for three constituent units of the National Housing Agency, namely, the Federal Home Loan Bank Administration, the Federal Housing Administration, and the Federal Public Housing Authority, each to be headed by a Commissioner to be appointed by the President by and with the advice and consent of the Senate, at a salary of \$10,000 per year.

(It should be noted these are primarily administrative provisions; if the provisions of part V in other respects should be found illegal, this section would, of course, fall; but the provisions here contained do not otherwise appear to present any separate problems.)

Legal objections

None.

Nonlegal objections

None.

SECTION 505 (A)

This subsection places under the Federal Home Loan Bank Administration the functions of the Federal Home Loan Bank Board and its members, of the Board of Trustees of the Federal Savings and Loan Insurance Corporation, and of the Board of Directors of the Home Owners' Loan Corporation.

Government witnesses maintained that the President's proposal in this regard does not contemplate liquidation of either the Federal Savings and Loan Insurance Corporation or of the Home Owners' Loan Corporation, but rather that both Corporations will continue to exist as corporate entities, but will become, in fact, corporations sole.

This view necessarily comprehends the assertion that the Executive order issued by the President (Executive Order 9070) under the First War Powers Act did not disturb the corporate existence of either Corporation though it did temporarily abolish the Board of Trustees of the Federal Savings and Loan Insurance Corporation and the Board of Directors of the Home Owners' Loan Corporation.

(It should be noted that the Home Owners' Loan Corporation is in process of liquidation. However, the functions of the Federal Home Loan Bank Board, particularly with respect to supervision of Federal home loan banks, and the functions of the Board of Trustees of the Federal Savings and Loan Insurance Corporation, particularly with regard to supervision of Federal savings and loan insurance corporations, are permanent functions which will be continued in peacetime.)

Legal objections

None except as implied by objections to other sections of the plan.

Nonlegal objections

None except as implied by objections to other sections of the plan.

SECTION 505 (B)

This subsection provides for administration of the functions of the Federal Housing Administrator, under the National Housing Act, by the new Federal Housing Administration which would be created under this reorganization plan.

Legal objections

Aside from general and special objections treated elsewhere in the discussion of part V of plan 1, witnesses adverse to the plan raised a separate question with respect to the mutual mortgage insurance fund, contending it is not legally available to help pay administrative costs of NHA.

(Under sec. 205 (a) of the National Housing Act all mortgages accepted for insurance are required to be classified into groups in accordance with risk characteristics and actuarial practice. Premium charges and other income received in connection with mortgages in a group, and the proceeds of the sale of properties taken over in exchange for debentures after foreclosure, are credited to the group; and all interest and principal of such debentures, the cost of handling and selling such property, and the group's proportionate share of the general expenses of operating the Federal Housing Administration, are charged to the group.

(Under sec. 205 (c) the insurance in connection with any group is terminated when all the outstanding mortgages in the group have been paid or when there is enough reserve in a group to pay off the balance due on all unpaid mortgages in the group, and the Administrator is directed then to distribute such balance to the mortgagors in such group equitably and in accordance with sound actuarial and accounting practice. It is understood that the amount of these reserves which either have been or will be paid to mortgagors in the form of dividends is approximately \$16,000,000.

(It can thus be seen that the Federal Housing Administration operates the major part of its mortgage insurance business on a wholly

mutual basis. Notwithstanding this fact, FHA has been required, since 1942, to contribute substantial sums from this mutual fund to the support of the National Housing Agency. The testimony before the committee shows that this contribution for the fiscal year 1946 amounted to \$119,988 and the estimates for the fiscal year 1947 called for a contribution of \$180,000.)

Nonlegal objections

Opponents of the plan challenged the wisdom and equity, as well as the legality, of charging the mutual mortgage insurance fund for administrative costs of NHA.

SECTION 505 (c)

This subsection provides for administration by the new Federal Public Housing Authority (a constituent unit of the new National Housing Agency) of the functions of:

- (1) The Administrator of the United States Housing Authority.
- (2) The Federal Works Administrator, with regard to provision of housing for persons engaged in national defense activities, and their families; the present National Housing Administrator and National Housing Agency, with respect to the operation, management, and administration of national defense housing; the National Housing Administrator and the National Housing Agency, with respect to provision of housing in or near the District of Columbia for employees of the United States whose duties are determined to be essential to national defense and to require them to reside in or near the District of Columbia; the Federal Works Administrator, with regard to the construction of temporary housing facilities for distressed families of servicemen and for veterans and their families who are affected by evictions or other unusual hardships, and the National Housing Administrator in the same connection.

(It should be noted that the various functions here proposed to be transferred from the old National Housing Administrator and National Housing Administration to the new agencies created by the President's reorganization plan were specifically vested in the National Housing Administrator and the National Housing Agency by the provisions of the act of April 10, 1942, chapter 239, paragraph 4 (56 Stat. 213), which implies at least some statutory recognition of the existing National Housing Agency.)

- (3) The War and Navy Departments with respect to defense or war housing (other than housing located on military or naval reservations, posts, or bases).

- (4) All agencies designated, under various cited acts, to provide temporary shelter in defense areas.

- (5) The Federal Loan Administrator with respect to the Defense Homes Corporation.

- (6) The Farm Security Administration with respect to housing projects for families not deriving their principal income from operating or working on a farm.

(While there have been objections to placing social housing functions such as those here comprehended under the same control as fiscal functions concerned with private housing, there has been no objection to the centralization of social housing functions under single control.

Legal objections

None.

Nonlegal objections

None.

SECTION 505 (D)

This subsection provides for vesting of the functions allocated to various constituent units of the new NHA, under this plan, in the respective Commissioners, to be administered subject to the authority of the National Housing Administrator.

Legal objections

It has been contended that the provisions of this subsection are not in compliance with the Reorganization Act of 1945, for the reason that such provisions violate the requirements of section 5 (a) (6) of the Reorganization Act, which reads as follows:

No reorganization plan shall provide for, and no reorganization under this Act shall have the effect of imposing, in connection with the exercise of any quasi-judicial or quasi-legislative function possessed by an independent agency, any greater limitation upon the exercise of independent judgment and discretion, to the full extent authorized by law, in the carrying out of such function, than existed with respect to the exercise of such function by the agency in which it was vested prior to the taking effect of such reorganization; except that this prohibition shall not prevent the abolition of any such function.

The committee have been satisfied, by testimony of witnesses, by memoranda from Government legal authorities, and by its own examination of the statute, of the legality of the provisions of this subsection.

Nonlegal objections

This provision involves the creation of a single centralized authority over all phases of both social and private housing activities of the Federal Government, to which objections already noted presumably apply.

SECTION 505 (E)

This subsection is a merely technical provision subjecting the preceding provisions of section 505 to the provisions of section 506.

Legal objections

Same objection as noted to subsection 505(d). See also objection to section 506, noted below.

Nonlegal objections

See notations in connection with subsection 505(d) and section 506.

SECTION 506

This section stipulates the functions to be performed by the National Housing Administrator. For purposes of simplification, each subsection of this section will be separately considered.

SUBSECTION (A)

This subsection gives the National Housing Administrator the functions of the Secretary of Agriculture, the Secretary of War, the Secretary of the Navy, the Federal Loan Administrator, and the

Federal Works Administrator, relating to functions vested in the National Housing Agency, or any constituent unit thereof, under this plan.

Legal objections

None.

Nonlegal objections

None.

SUBSECTION (B)

This subsection gives the National Housing Administrator control over any research or statistical activities relating to any function of the National Housing Agency or of any of its constituent units.

(Government witnesses testified this subsection involves no intent to extend the authority of the National Housing Administrator in the research or statistical field, but is intended only to transfer to him functions and authorities in that regard already established by law.)

Legal objections

None.

Nonlegal objections

None.

SUBSECTION (C)

This subsection can be construed, under the provisions of the Reorganization Act of 1945 and on the basis of testimony by Government witnesses, only as a restatement of various functions and authorities authorized under the cited statutes, and transferred to the National Housing Administrator by other provisions of this reorganization plan. It cannot, and does not, create any new authority in the National Housing Administrator.

Legal objections

None.

Nonlegal objections

None.

SUBSECTION (D)

This subsection gives the National Housing Administrator "the responsibility of assuring consistent execution of policy as outlined by law with respect to the program of the National Housing Agency and the constituent units thereof" (which responsibility certainly would be his in any event if this plan should become effective, even without this subsection); and the responsibility "of devising and applying methods and practices conducive to a unified housing program."

Legal objections

It has been argued that the responsibility of "devising and applying methods and practices conducive to a unified housing program" involves the creation of functions not authorized by law, or at least an extension of existing authority, and therefore constitutes a provision not in compliance with the Reorganization Act. In response to this criticism, it is pointed out that the devising and applying of methods and practices is a normal part of the functions of any administrator,

and that the language quoted is therefore merely a restatement of functions which the Administrator would legally exercise. (Testimony before the committee indicated it was not the intent of the plan to convey any new authority or to extend any authority already granted by law; and it does not appear to be sound reasoning to construe the language of the President's plan in a way which it has been testified was not intended, for the purpose of using such construction as a basis for disapproving the plan.)

Nonlegal objections

None.

SUBSECTION (E)

This subsection states specifically that the National Housing Administrator shall have "general superintendence, direction, coordination, and control of the affairs of the National Housing Agency and its constituent units" (which, it is submitted, he would have in any event, under the plan, even without this subsection); that he shall have authority to promulgate "such rules and regulations as (he) deems necessary to carry out his responsibilities under the provisions of this plan"; and that he shall have the power to review and approve "to such extent as he deems necessary" the rules and regulations made by the Commissioners.

With respect to the promulgation of rules and regulations, it is obvious that a certain authority in this regard has been created by statute, and would be transferred to the Administrator under the President's plan. If the words "such rules and regulations as the Administrator deems necessary" are to be construed as granting authority, with respect to rules and regulations, not sanctioned by any existing law, then this provision is a granting of new authority and therefore invalid. However, such construction is not necessary, and a more reasonable construction (which was supported by testimony before the committee) is that what is here intended is simply a centralization in the Administrator of all authority to issue rules and regulations which is now by statute vested in any of the agencies or functionaries whose powers and functions are transferred to the National Housing Administrator under this plan.

With respect to the review and approval of rules and regulations made by the Commissioners, it must be borne in mind that this plan transfers all affected functions to the Administrator, to be exercised through the Commissioners but subject to the authority of the Administrator. Therefore, review and approval by the Administrator of rules and regulations made by the Commissioners constitutes only an effectuation of the transfer provided for, rather than a curtailment of any power of independent action possessed by the Commissioners, since no such power is conveyed under the plan.

Legal objections

It has been argued that the authority to promulgate rules and regulations, and to review and approve, referred to in this subsection, constitutes new functions, and that the provisions of this subsection, in that respect, are therefore illegal. It has also been argued that the grant to the National Housing Administrator of the authority to review and approve rules and regulations made by the Commissioners is an interference with their independent exercise of a quasi-legisla-

tive function. As indicated above, this contention appears to overlook the fact that the transfer of functions under this plan is, basically, to the Administrator rather than to the Commissioners.

Nonlegal objections

The provisions of this subsection are among those attacked by the general objection to bringing private housing and public housing functions under a single head.

SUBSECTION (F)

This subsection places the reporting functions of the Commissioners, as well as of the other components of National Housing Agency, in the National Housing Administrator.

Legal objections

None.

Nonlegal objections

None.

SECTION 507

This section abolishes the Office of Federal Housing Administrator; the Federal Home Loan Bank Board, and the offices of the members thereof; the Board of Trustees of the Federal Savings and Loan Insurance Corporation and the offices of the members thereof; the Board of Directors of the Home Owners' Loan Corporation, and the offices of the members thereof; and the Office of Administrator of the United States Housing Authority. It also provides for dissolution and abolition of the United States Housing Corporation, and for the winding up of the affairs of that Corporation by the Federal Home Loan Bank Commissioner, subject to the authority of the National Housing Administrator.

Legal objections

It has been urged, as a legal objection to this section, that abolition of the Board of Trustees of the Federal Savings and Loan Insurance Corporation and of the Board of Directors of the Home Owners' Loan Corporation, without abolition of the two Corporations, is a "legal monstrosity." Contra, it is contended this allegation cannot be considered properly under the heading of "legal objections" in connection with consideration of this plan, since only such objections deserve consideration under this heading as go to the question of compliance of the plan or its provisions with the Reorganization Act of 1945. A majority of the committee favor the latter view.

Nonlegal objections

It has been strongly contended that abolition of the Federal Home Loan Bank Board is administratively unwise because centralization of the functions of the Bank Board in a single individual is a move toward unduly arbitrary control (with the implication that such individual, if he also was charged with administration of the Government's social housing program, could not discharge with fairness and equity his functions as alter ego for the Board); and similar contentions have been made with respect to the functions of the Board of Trustees of the Federal Savings and Loan Insurance Corporation and the Board of Directors of the Home Owners' Loan Corporation.

The committee could not overlook the fact that the changes here proposed are not untried, but have been in effect, on a temporary basis for more than 4 years, without impairing the satisfactory functioning of the agencies concerned.

SECTION 508

This section provides for temporary designation by the President of officers of the existing National Housing Agency, to perform the functions of any officer provided for in the plan, prior to the appointment (and, impliedly, where confirmation is required, the confirmation) of the officer in question.

(Testimony before the committee was that the only reason why the provision limits such temporary appointments to officers of the existing National Housing Agency is the normal expectation that only such an officer would be designated to perform such functions.

(It was also testified that if the President should appoint an officer to one of the new posts, and Senate confirmation should thereafter be refused, the officer so appointed would not be permitted to continue to function under a temporary designation.

(Government witnesses further testified that it is the intention under this section that it should be mandatory upon the President to make permanent appointments to the new offices within a reasonable time, and that the President would not use the authority contained in this section to vest functions indefinitely in officers of the existing National Housing Agency without Senate confirmation.)

Legal objections

None.

Nonlegal objections

It has been objected that the President should not be restricted, in his designation of temporary officers, to officers of the existing National Housing Agency. The answer to this objection appears to be that if it is the intention of the President to select from such officers for the temporary appointments in question, he certainly has the right to exercise such discretion, and there would seem to be no harm in his provision, in the plan, for such exercise of discretion. In other words, since this is the President restricting himself, why should anyone else object?

SECTION 601

This section transfers the functions of the Farm Credit Administration, and the Governor thereof, and the functions of the Secretary of Agriculture with respect to the Farm Credit Administration, to the Federal Deposit Insurance Corporation.

(Under the Reorganization Act, any transfer of a function from FDIC would have to be done in a separate reorganization plan; but transfers of functions to the FDIC are properly includible in a reorganization plan which also deals with other matters.)

Legal objections

None.

Nonlegal objections

None.

SECTION 701

This section provides for the transfer of records, property, personnel, and funds affected by this reorganization plan. Some such provision is required by the Reorganization Act.

Legal objections

None.

Nonlegal objections

None.

SECTION 702

This section limits the transfer of personnel under section 701, from the Office of Inter-American Affairs to the Department of State, to such personnel as the Secretary of State shall determine to be required by the Department. (This section should be read together with section 704.)

Legal objections

None.

Nonlegal objections

None.

SECTION 703

This section provides for disposition of the records, property, personnel, and unexpended balances of appropriations of the United States High Commissioner to the Philippine Islands, and directs such disposition as the Director of the Bureau of the Budget shall determine.

Legal objections

None.

Nonlegal objections

None.

SECTION 704

This section provides for retransfer to other positions in the Government, or separation from the service, of personnel found to be in excess of the personnel necessary for the administration of the functions of any transferred agency.

Legal objections

None.

Nonlegal objections

None.

SECTION 705

This section directs that—

such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in order to effectuate the provisions of this part or in order to wind up the outstanding affairs relating to agencies or functions abolished by this plan shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

(Testimony at the hearings indicated this language was included in the plan to comply with the requirements of the Reorganization Act

respecting provision for winding up the affairs of agencies reorganized or abolished.)

Legal objections

It has been argued that the Reorganization Act requires the President to make provision for winding up the affairs, etc., and that this means he shall himself, in his plan, stipulate the various steps in such winding-up process; therefore, that a grant of authority to the Director of the Bureau of the Budget to make the discretionary decisions involved is not in accordance with the act. In rebuttal to this contention, it is argued that the act does not require the President to "stipulate," or to "set forth," but only to "make provision for," and therefore that the provisions of section 705 are fully in compliance with the act.

Representatives of the Budget Bureau testified before the committee that this section was not deemed to convey any authority to require any transfers or retransfers, or to make any other provisions not necessarily corollary to the putting into effect of the President's reorganization plan. It was also testified that section 705 is not regarded as a delegation of Presidential authority.

Nonlegal objections

None.

CONCLUSION

The committee considers Reorganization Plan No. 1 of 1946 to be a legal exercise of the President's powers under the Reorganization Act of 1945.



79TH CONGRESS
2D SESSION

H. CON. RES. 155

IN THE SENATE OF THE UNITED STATES

JULY 15 (legislative day, JULY 5), 1946

Considered and agreed to

CONCURRENT RESOLUTION

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That the Congress does not favor the Reorgan-
3 ization Plan Numbered 1 of May 16, 1946, transmitted to
4 Congress by the President on the 16th of May 1946.

Passed the House of Representatives June 28, 1946.

Attest:

SOUTH TRIMBLE,

Clerk.

79TH CONGRESS
2^D Session

H. CON. RES. 155

CONCURRENT RESOLUTION

Against adoption of Reorganization Plan
Numbered 1 of May 16, 1946.

JULY 15 (legislative day, JULY 5), 1946
Considered and agreed to

79TH CONGRESS
2D SESSION

H. J. RES. 382

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 1946

Mr. MANASCO introduced the following joint resolution; which was referred to the Committee on Expenditures in the Executive Departments

JOINT RESOLUTION

Providing for the taking effect of Reorganization Plan Numbered 1 of 1946, except certain parts thereof.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That the provisions of Reorganization Plan Numbered 1 of
4 1946, submitted to the Congress by the President on May
5 16, 1946, except part V and the last sentence of section 701
6 thereof, shall take effect on the day following the date of
7 the enactment of this joint resolution, notwithstanding the
8 provisions of the Reorganization Act of 1945, with the same
9 effect as if such plan had taken effect pursuant to the Reor-
10 ganization Act of 1945 without the passage by the two
11 Houses of the concurrent resolution stating that the Congress
12 does not favor such plan.

JOINT RESOLUTION

Providing for the taking effect of Reorganization Plan Numbered 1 of 1946, except certain parts thereof.

By Mr. MANASCO

JULY 16, 1946

Referred to the Committee on Expenditures in the
Executive Departments

REORGANIZATION PLAN NO. 2 OF 1946

M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

REORGANIZATION PLAN NO. 2, PREPARED IN ACCORDANCE WITH
THE PROVISIONS OF SECTION 3 OF THE REORGANIZATION ACT
OF 1945

MAY 16, 1946.—Referred to the Committee on Expenditures in the Executive
Departments and ordered to be printed

To the Congress of the United States:

The fundamental strength of a nation lies within its people. Military and industrial power are evidences, not the real source of strength. Over the years the prosperity of America and its place in the world will depend on the health, the education, the ingenuity, and the integrity of its people and on their ability to work together and with other nations.

The most basic and at the same time the most difficult task of any country is the conservation and development of its human resources. Under our system of government this is a joint responsibility of the Federal, State, and local governments, but in it the Federal Government has a large and vital role to play. Through its research, advice, stimulation, and financial aid, it contributes greatly to progress and to the equalization of standards in the fields of education, health, and welfare; and in the field of social insurance it also directly administers a major segment of the program.

To meet its full responsibilities in these fields, the Federal Government requires efficient machinery for the administration of its social programs. Until 1939 the agencies in charge of these activities were scattered in many parts of the Government. In that year President Roosevelt took the first great step toward effective organization in

this area when he submitted Reorganization Plan I, establishing the Federal Security Agency—

to promote social and economic security, educational opportunity, and the health of the citizens of the Nation.

The time has now come for further steps to strengthen the machinery of the Federal Government for leadership and service in dealing with the social problems of the country. Several programs closely bound up with the objectives of the Federal Security Agency are still scattered in other parts of the Government. As the next step, I consider it essential to transfer these programs to the Federal Security Agency and to strengthen its internal organization and management.

Broadly stated, the basic purpose of the Federal Security Agency is the conservation and development of the human resources of the Nation. Within that broad objective come the following principal functions: Child care and development, education, health, social insurance, welfare (in the sense of care of the needy and the defective), and recreation (apart from the operation of parks in the public domain).

These functions constitute a natural family of closely related services, interwoven at many points and in many ways. For example, the development of day-care centers for children has involved joint planning and service by specialists of the Children's Bureau, the Office of Education, the Public Health Service, and several other agencies. The schools are both a major consumer of public-health services and a leading vehicle for health education and for disseminating the results of research carried on by the Public Health Service. The promotion of social security involves a whole battery of activities, especially social insurance, public assistance, health, and child welfare.

In order to proceed as promptly as possible with the development of the Federal Security Agency to meet the postwar responsibilities of the Government within its field of activity, I am transmitting herewith Reorganization Plan No. 2, which I have prepared in accordance with the provisions of section 3 of the Reorganization Act of 1945 (Public Law 263, 79th Cong., 1st sess.), approved December 20, 1945; and I declare that, with respect to each reorganization made in this plan, I have found that such reorganization is necessary to accomplish one or more of the purposes of section 2 (a) of the act—

- (1) To facilitate orderly transition from war to peace;
- (2) To reduce expenditures and promote economy;
- (3) To increase efficiency;
- (4) To group, coordinate, and consolidate agencies and functions according to major purposes;
- (5) To reduce the number of agencies by consolidating those having similar functions and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and
- (6) To eliminate overlapping and duplication of effort.

The plan includes certain interagency transfers and several abolitions and changes in the internal organization of the Federal Security Agency.

The plan transfers to the Federal Security Administrator the functions of the Children's Bureau, except those relating to child labor under the Fair Labor Standards Act. These child-labor functions are transferred to the Secretary of Labor in order that they may

be performed by, or in close relationship with, the Wage and Hour Division which administers the rest of the act. The plan continues the Children's Bureau within the Federal Security Agency to deal with problems of child life, but is flexible enough to enable the Administrator to gear in the Bureau's programs effectively with other activities of the Agency.

The child-labor program is the only permanent program of the Children's Bureau that is properly a labor function. The other four—child welfare, crippled children, child and maternal health, and research in problems of child life—all fall within the scope of the Federal Security Agency. The transfer of the Children's Bureau will not only close a serious gap in the work of the Agency, but it will strengthen the child-care programs by bringing them into closer association with the health, welfare, and educational activities with which they are inextricably bound up.

The promotion of the education, health, welfare, and social security of the Nation is a vast cooperative undertaking of the Federal, State, and local governments. It involves numerous grant-in-aid programs and complex intergovernmental relations. The transfer of the Children's Bureau will simplify these relations and make for better cooperation.

To illustrate, State welfare departments now depend on both the Bureau of Public Assistance in the Federal Security Agency and the Children's Bureau in the Labor Department for funds for child-care activities. Similarly, State health departments obtain grants from the Public Health Service for general public health work and from the Children's Bureau for child and maternal health activities. All of these grants involve the establishment of minimum standards and a measure of Federal supervision. The transfer of the Children's Bureau programs will make it possible to develop more consistent policies and procedures and to simplify dealings with the States. This will eliminate needless inconvenience for both parties and enable the State and Federal Governments to join more efficiently in their common objective of furthering the health and welfare of the American child.

Next, the plan transfers the vital statistics functions of the Census Bureau to the Federal Security Administrator, to be performed through the Public Health Service or other facilities of the Federal Security Agency. In every State but one the State health department is in charge of vital statistics. The work in the States is partially financed from public-health grants administered by the Public Health Service. This transfer will make the agency providing the grants also responsible for carrying on the Federal part of the vital statistics program. Furthermore, it will make for a better correlation of vital statistics with morbidity statistics, which are closely connected in nature and are already handled by the Public Health Service. In addition, the Federal Security Agency, more than any other Federal agency in peacetime, depends on vital statistics and vital records in the operation of its programs.

The plan transfers the functions of the United States Employees Compensation Commission to the Federal Security Administrator, and provides for a three-member board of appeals to hear and finally decide appeals on claims of Government employees. By abolishing the Commission, the plan eliminates a small agency and lightens the

burden on the President. The Federal Security Administrator, as the head of the Federal agency with the greatest experience in insurance administration, is in the best position to guide and further the program of the Commission.

The abolition of the Commission as an administrative body and the creation of an appeals board will provide the advantages of a single official in charge of operations while affording claimants the protection of a three-member board for the final decision of appeals on claims. This arrangement has proved both administratively efficient and satisfactory to claimants in many similar programs. It is essentially the plan used in the administration of veterans' pensions and old-age and survivors insurance and employed by many States in their workmen's compensation programs. The board of appeals created by this plan will deal only with claims of Government employees since appeals on other types of claims under the jurisdiction of the Commission—(a) longshoremen and harbor workers and (b) private employees in the District of Columbia—are heard by the Federal district courts rather than the Commission.

The reorganization plan which created the Federal Security Agency in 1939 provided that the Federal Security Administrator should direct and supervise the Social Security Board, and that he might assign administrative duties to the Chairman of the Board, rather than to the Board as a whole. Thus, it took the first step toward establishing a definite line of responsibility for the administration of social security functions in the Agency. The plan I am now submitting further clarifies these lines of responsibility by providing for the normal type of internal organization used in Federal departments and agencies.

A full-time board in charge of a group of bureaus within an agency is at best an anomaly. The Social Security Board rendered an outstanding service in launching the social-security program, and its members deserve the thanks of the Nation for this achievement. That program, however, is now firmly established and its administration needs to be tied in more fully with other programs of the Federal Security Agency. The existence of a department within a department is a serious barrier to effective integration.

In order to obtain more expeditious and effective direction for the social-security program and to further the development of the Federal Security Agency, this plan transfers the functions of the Social Security Board to the Federal Security Administrator and provides for not more than two new assistant heads of the Agency for the administration of the program. Because of the additional functions transferred to the Administrator by this plan, I have found that these officers will be needed to assist him in the general management of the Agency and to head the constituent unit or units which the Administrator will have to establish for the conduct of social-security activities.

To permit a consolidation of work for the blind, the functions of the Office of Education as to the vending-stand program for the blind are transferred to the Federal Security Administrator, in whom are vested other vocational rehabilitation functions. This transfer will permit the program to be assigned to the Office of Vocational Rehabilitation, where other vocational rehabilitation activities for the blind are now concentrated.

The office of Assistant Commissioner of Education, established by the act of May 26, 1930, is abolished. A basic reorganization of the Office of Education within the past year has made this officer the head of one of the divisions of the Office. It is, therefore, administratively desirable to abolish the post of Assistant Commissioner in conformity with the present organization of the Office.

The plan also abolishes the Federal Board of Vocational Education and its functions. The Board, established by the act of February 23, 1917, as amended, formerly had charge of the administration of the vocational-education program. Section 15 of Executive Order 6166, of June 10, 1933, issued under authority of the act of June 30, 1932 (47 Stat. 413, ch. 314), as amended, transferred the administration of the program to the Office of Education and limited the Board to acting in an advisory capacity. The Advisory Committee on Education, on the basis of its study of the vocational-education system, found that the Board was no longer needed and recommended its abolition.

To avoid possible confusion and conflict of authority, the Board of Visitors of St. Elizabeths Hospital and its functions are abolished. The functions of the Board, as provided by section 4842 of the Revised Statutes, include supervision of the institution and the adoption of its bylaws, in addition to visiting the institution and advising the superintendent. These functions overlap the responsibilities of the Federal Security Administrator for the general supervision and direction of the hospital.

In order to enable the Administrator more adequately to coordinate the administration of the grant-in-aid programs vested by statute in the constituent units of the Federal Security Agency, the plan provides that, insofar as practicable and consistent with the applicable legislation, he shall establish uniform standards and procedures for these programs and permit States to submit a single plan of operation for related grant-in-aid programs. Most of these programs involve the establishment of certain minimum standards on fiscal, personnel, and other aspects of administration in the States. In many cases the same State agency is operating under two or more grant-in-aid programs. Much needless inconvenience and confusion can be avoided for all concerned by unifying Federal standards and combining State plans for the operation of the programs in such cases.

After careful consideration of a number of other agencies and functions I have refrained from proposing in this plan their transfer to the Federal Security Agency. Most of these involve activities which, though related to the functions of the Federal Security Agency, are incidental to the purpose of other agencies or are connected so closely with such agencies as to make transfer undesirable. A few are activities which should probably be shifted in whole or in part to the Federal Security Agency, but I believe such shifts can best be accomplished by interagency agreement or action in connection with appropriations.

The reorganization plan here presented is a second important step in building a central agency for the administration of Federal activities primarily relating to the conservation and development of human resources; but, while this step is important in itself, I believe that a third step should soon be taken. The time is at hand when that agency should be converted into an executive department.

The size and scope of the Federal Security Agency and the importance of its functions clearly call for departmental status and a permanent place in the President's Cabinet. In number of personnel and volume of expenditures the Agency exceeds several of the existing departments. Much more important, the fundamental character of its functions—education, health, welfare, social insurance—and their significance for the future of the country demand for it the highest level of administrative leadership and a voice in the central councils of the executive branch.

Accordingly, I shall soon recommend to the Congress that legislation be promptly enacted making the Federal Security Agency an executive department, defining its basic purpose, and authorizing the President to transfer to it such units and activities as come within that definition.

The people expect the Federal Government to meet its full responsibilities for the conservation and development of the human resources of the Nation in the years that lie ahead. This reorganization plan and the legislation that I shall propose will provide the broad and firm foundation required for the accomplishment of that objective.

HARRY S. TRUMAN.

THE WHITE HOUSE, May 16, 1946.

REORGANIZATION PLAN NO. 2 OF 1946

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 16, 1946, pursuant to the provisions of the Reorganization Act of 1945, approved December 20, 1945

FEDERAL SECURITY AGENCY AND DEPARTMENT OF LABOR

SECTION 1. *Children's Bureau*.—(a) The Children's Bureau in the Department of Labor, exclusive of its Industrial Division, is transferred to the Federal Security Agency. All functions of the Children's Bureau and of the Chief of the Children's Bureau except those transferred by subsection (b) of this section, all functions of the Secretary of Labor under title V of the Social Security Act (49 Stat. 620, ch. 531), as amended, and all other functions of the Secretary of Labor relating to the foregoing functions are transferred to the Federal Security Administrator and shall be performed by him or under his direction and control by such officers and employees of the Federal Security Agency as he shall designate, except that the functions authorized by section 2 of the act of April 9, 1912 (37 Stat. 79, ch. 73), as amended, and such other functions of the Federal Security Agency as the Administrator may designate, shall be administered, under his direction and control, through the Children's Bureau.

(b) The functions of the Children's Bureau and of the Chief of the Children's Bureau under the Fair Labor Standards Act of 1938 (52 Stat. 1060, ch. 676), as amended, are transferred to the Secretary of Labor and shall be performed under his direction and control by such officers and employees of the Department of Labor as he shall designate.

SEC. 2. *Vital statistics.*—The functions of the Secretary of Commerce, the Bureau of the Census, and the Director of the Bureau of the Census, with respect to vital statistics (including statistics on births, deaths, marriages, divorces, and annulments), are transferred to the Federal Security Administrator and shall be performed under his direction and control by the United States Public Health Service or by such officers and employees of the Federal Security Agency as the Administrator shall designate.

SEC. 3. *United States Employees' Compensation Commission.*—The functions of the United States Employees' Compensation Commission are transferred to the Federal Security Agency and shall be performed in such manner and under such rules and regulations as the Federal Security Administrator shall prescribe. Such regulations shall provide for a board of three persons to be designated or appointed by the Federal Security Administrator with authority to hear and, subject to applicable law, make final decision on appeals taken from determinations and awards with respect to claims of employees of the Federal Government or of the District of Columbia. The United States Employees' Compensation Commission is abolished.

SEC. 4. *Social Security Board.*—The functions of the Social Security Board in the Federal Security Agency, together with the functions of its Chairman, are transferred to the Federal Security Administrator and shall be performed by him or under his direction and control by such officers and employees of the Federal Security Agency as he shall designate. The Social Security Board is abolished.

SEC. 5. *Assistant heads of Federal Security Agency.*—In addition to the existing Assistant Federal Security Administrator there shall be not to exceed two assistant heads of the Federal Security Agency, each of whom shall be appointed by the Federal Security Administrator under the classified civil service, receive a salary at the rate of \$10,000 per annum, and perform such duties and head such constituent unit of the Federal Security Agency as the Administrator may provide.

SEC. 6. *Functions under act of June 20, 1936, with respect to the blind.*—The functions of the Office of Education and of the Commissioner of Education under the act of June 20, 1936 (49 Stat. 1559, ch. 638), are transferred to the Federal Security Administrator and shall be performed under his direction and control by such officers and employees of the Federal Security Agency as he shall designate.

SEC. 7. *Assistant Commissioner of Education.*—The functions of the Assistant Commissioner of Education, created by the act of May 26, 1930 (46 Stat. 384, ch. 330), are transferred to the Office of Education to be performed under the direction and control of the Commissioner of Education by such officers or employees of the Office as he may designate with the approval of the Federal Security Administrator. The Office of Assistant Commissioner of Education is abolished.

SEC. 8. *Federal Board for Vocational Education.*—The Federal Board for Vocational Education and its functions are abolished.

SEC. 9. *Board of Visitors of St. Elizabeths Hospital.*—The Board of Visitors of St. Elizabeths Hospital and its functions are abolished.

SEC. 10. *Coordination of grant-in-aid programs.*—In order to coordinate more fully the administration of grant-in-aid programs by officers and constituent units of the Federal Security Agency, the Federal Security Administrator shall establish, insofar as practicable, (a) uniform standards and procedures relating to fiscal, personnel, and

the other requirements common to two or more such programs, and (b) standards and procedures under which a State agency participating in more than one such program may submit a single plan of operation and be subject to a single Federal fiscal and administrative review of its operation.

SEC. 11. *Winding up of affairs.*—Suitable measures shall be taken by the Federal Security Administrator to wind up those outstanding affairs of the agencies herein abolished which are not otherwise disposed of by this plan.

SEC. 12. *Transfer of personnel, property, records, and funds.*—The personnel, property, records, and unexpended balances of appropriations, allocations, and other funds (available or to be made available), which the Director of the Bureau of the Budget shall determine to relate primarily to the functions transferred hereunder, are transferred to the respective agencies concerned for use in the administration of the functions so transferred, except that all of the personnel, property, records, and funds of the Industrial Division of the Children's Bureau shall be transferred to such agency or agencies of the Department of Labor as the Secretary of Labor shall designate. Any of the personnel transferred under this plan which the transferee agency shall find to be in excess of the personnel necessary for the administration of the functions transferred to such agency shall be retransferred under existing law to other positions in the Government or separated from the service.

○

79TH CONGRESS
2D SESSION

H. CON. RES. 151

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 1946

Mr. PITTINGER submitted the following concurrent resolution; which was referred to the Committee on Expenditures in the Executive Departments

CONCURRENT RESOLUTION

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That the Congress does not favor the Reorgan-
3 ization Plan Numbered 2 of May 16, 1946, transmitted to
4 Congress by the President on the 16th day of May 1946.

79TH CONGRESS
2d Session

H. CON. RES. 151

CONCURRENT RESOLUTION

Against adoption of Reorganization Plan
Numbered 2 of May 16, 1946.

By Mr. PITTINGER

MAY 23, 1946

Referred to the Committee on Expenditures in the
Executive Departments

79TH CONGRESS
2^D SESSION

S. CON. RES. 65

IN THE SENATE OF THE UNITED STATES

MAY 29 (legislative day, MARCH 5), 1946

MR. McCARRAN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

CONCURRENT RESOLUTION

1 *Resolved by the Senate (the House of Representatives*
2 *concurring)*, That the Congress does not favor the Re-
3 organization Plan Numbered 2 transmitted to Congress
4 by the President on May 16, 1946.

79TH CONGRESS
2d Session

S. CON. RES. 65

CONCURRENT RESOLUTION

Disapproving Reorganization Plan
Numbered 2.

By Mr. McCARRAN

MAY 29 (legislative day, MARCH 5), 1946
Referred to the Committee on the Judiciary

REORGANIZATION PLAN NO. 2 OF 1946

JUNE 24, 1946.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. MANASCO, from the Committee on Expenditures in the Executive Departments, submitted the following

REPORT

[To accompany H. Con. Res. 151]

The Committee on Expenditures in the Executive Departments, to whom was referred the concurrent resolution (H. Con. Res. 151) against adoption of Reorganization Plan No. 2 of May 16, 1946, having considered the same, report favorably thereon without amendment and recommend that the concurrent resolution do pass.

GENERAL STATEMENT

On December 20, 1945, the President approved H. R. 4129, Public Law No. 263, known as the "Reorganization Act of 1945." The Committee on Expenditures in the Executive Departments and the Congress recognized the need for reorganization of the executive departments. Section 2 of Public Law 263 of the Seventy-ninth Congress contains the following provisions:

SEC. 2. (a) The President shall examine and from time to time reexamine the organization of all agencies of the Government and shall determine what changes therein are necessary to accomplish the following purposes:

- (1) to facilitate orderly transition from war to peace;
- (2) to reduce expenditures and promote economy, to the fullest extent consistent with the efficient operation of the Government;
- (3) to increase the efficiency of the operations of the Government to the fullest extent practicable within the revenues;
- (4) to group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;
- (5) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and,
- (6) to eliminate overlapping and duplication of effort.

(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding under the provisions of this Act, and can be accomplished more speedily thereby than by the enactment of specific legislation.

(c) It is the expectation of the Congress that the transfers, consolidations, coordinations, and abolitions under this Act shall accomplish an over-all reduction of at least 25 per centum in the administrative costs of the agency or agencies affected.

Section 5 of the Reorganization Act of 1945 states, among other things, the following:

(a) No reorganization plan shall provide for, and no reorganization under this Act shall have the effect of—

* * * * * *

(6) imposing, in connection with the exercise of any quasi-judicial or quasi-legislative function possessed by an independent agency, any greater limitation upon the exercise of independent judgment and discretion, to the full extent authorized by law, in the carrying out of such function, than existed with respect to the exercise of such function by the agency in which it was vested prior to the taking effect of such reorganization; except that this prohibition shall not prevent the abolition of any such function.

On May 16, 1946, the President transmitted to the Congress Reorganization Plan No. 2 of 1946, which is as follows:

REORGANIZATION PLAN NO. 2 OF 1946

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 16, 1946, pursuant to the provisions of the Reorganization Act of 1945, approved December 20, 1945

FEDERAL SECURITY AGENCY AND DEPARTMENT OF LABOR

SECTION 1. *Children's Bureau.*—(a) The Children's Bureau in the Department of Labor, exclusive of its Industrial Division, is transferred to the Federal Security Agency. All functions of the Children's Bureau and of the Chief of the Children's Bureau except those transferred by subsection (b) of this section, all functions of the Secretary of Labor under title V of the Social Security Act (49 Stat. 620, ch. 531), as amended, and all other functions of the Secretary of Labor relating to the foregoing functions are transferred to the Federal Security Administrator and shall be performed by him or under his direction and control by such officers and employees of the Federal Security Agency as he shall designate, except that the functions authorized by section 2 of the act of April 9, 1912 (37 Stat. 79, ch. 73), as amended, and such other functions of the Federal Security Agency as the Administrator may designate, shall be administered, under his direction and control, through the Children's Bureau.

(b) The functions of the Children's Bureau and of the Chief of the Children's Bureau under the Fair Labor Standards Act of 1938 (52 Stat. 1060, ch. 676), as amended, are transferred to the Secretary of Labor and shall be performed under his direction and control by such officers and employees of the Department of Labor as he shall designate.

SEC. 2. *Vital statistics.*—The functions of the Secretary of Commerce, the Bureau of the Census, and the Director of the Bureau of the Census, with respect to vital statistics (including statistics on births, deaths, marriages, divorces, and annulments), are transferred to the Federal Security Administrator and shall be performed under his direction and control by the United States Public Health Service or by such officers and employees of the Federal Security Agency as the Administrator shall designate.

SEC. 3. *United States Employees' Compensation Commission.*—The functions of the United States Employees' Compensation Commission are transferred to the Federal Security Agency and shall be performed in such manner and under such rules and regulations as the Federal Security Administrator shall prescribe. Such regulations shall provide for a board of three persons to be designated or appointed by the Federal Security Administrator with authority to hear and, subject to applicable law, make final decision on appeals taken from determinations and awards with respect to claims of employees of the Federal Government or of the District of Columbia. The United States Employees' Compensation Commission is abolished.

SEC. 4. *Social Security Board.*—The functions of the Social Security Board in the Federal Security Agency, together with the functions of its Chairman, are transferred to the Federal Security Administrator and shall be performed by him

or under his direction and control by such officers and employees of the Federal Security Agency as he shall designate. The Social Security Board is abolished.

SEC. 5. *Assistant heads of Federal Security Agency.*—In addition to the existing Assistant Federal Security Administrator there shall be not to exceed two assistant heads of the Federal Security Agency, each of whom shall be appointed by the Federal Security Administrator under the classified civil service, receive a salary at the rate of \$10,000 per annum, and perform such duties and head such constituent unit of the Federal Security Agency as the Administrator may provide.

SEC. 6. *Functions under act of June 20, 1936, with respect to the blind.*—The functions of the Office of Education and of the Commissioner of Education under the act of June 20, 1936 (49 Stat. 1559, ch. 638), are transferred to the Federal Security Administrator and shall be performed under his direction and control by such officers and employees of the Federal Security Agency as he shall designate.

SEC. 7. *Assistant Commissioner of Education.*—The functions of the Assistant Commissioner of Education, created by the act of May 26, 1930 (46 Stat. 384, ch. 330), are transferred to the Office of Education to be performed under the direction and control of the Commissioner of Education by such officers or employees of the Office as he may designate with the approval of the Federal Security Administrator. The Office of Assistant Commissioner of Education is abolished.

SEC. 8. *Federal Board for Vocational Education.*—The Federal Board for Vocational Education and its functions are abolished.

SEC. 9. *Board of Visitors of St. Elizabeths Hospital.*—The Board of Visitors of St. Elizabeths Hospital and its functions are abolished.

SEC. 10. *Coordination of grant-in-aid programs.*—In order to coordinate more fully the administration of grant-in-aid programs by officers and constituent units of the Federal Security Agency, the Federal Security Administrator shall establish, insofar as practicable, (a) uniform standards and procedures relating to fiscal, personnel, and the other requirements common to two or more such programs, and (b) standards and procedures under which a State agency participating in more than one such program may submit a single plan of operation and be subject to a single Federal fiscal and administrative review of its operation.

SEC. 11. *Winding up of affairs.*—Suitable measures shall be taken by the Federal Security Administrator to wind up those outstanding affairs of the agencies herein abolished which are not otherwise disposed of by this plan.

SEC. 12. *Transfer of personnel, property, records, and funds.*—The personnel, property, records, and unexpended balances of appropriations, allocations, and other funds (available or to be made available), which the Director of the Bureau of the Budget shall determine to relate primarily to the functions transferred hereunder, are transferred to the respective agencies concerned for use in the administration of the functions so transferred, except that all of the personnel, property, records, and funds of the Industrial Division of the Children's Bureau shall be transferred to such agency or agencies of the Department of Labor as the Secretary of Labor shall designate. Any of the personnel transferred under this plan which the transferee agency shall find to be in excess of the personnel necessary for the administration of the functions transferred to such agency shall be retransferred under existing law to other positions in the Government or separated from the service.

The committee held extensive hearings on Reorganization Plan No. 2 of 1946, and heard representatives of the Bureau of the Budget and the Attorney General's office. They also heard representatives of private organizations and individuals who were for and against the plan.

The committee bases its objections to section 3 of plan No. 2, which abolishes the United States Employees' Compensation Commission. The United States Employees' Compensation Commission was established by an act of Congress. It is a bipartisan commission composed of three members, and it is recognized by the Congress as a quasi-judicial body. The committee is of the opinion that abolition of the Commission, and the transfer of its functions to the Federal Security Agency, violates section 5 (a) (6) of the Reorganization Act of 1945, which has been referred to in this report.

The committee believes that Federal employees who have claims under the United States Employment Compensation Act are entitled

to appeal to a bipartisan commission that is not subject to the administrative control of another executive agency or department head.

The committee has carefully considered the plan, and does not believe that it meets the expectations of Congress as set out in section 2 of the Reorganization Act of 1945. The committee had hoped that the reorganization plans transmitted by the President would increase efficiency and reduce Government expenditures. No testimony was presented to the committee to show that either objective would be accomplished by the plan.

The committee asks the House to support House Concurrent Resolution 151, and reject Reorganization Plan No. 2 of 1946, on the grounds that section 3 of the plan does not comply with section 2 of the Reorganization Act of 1945 or with section 5 of that act.

Union Calendar No. 709

79TH CONGRESS
2^D SESSION

H. CON. RES. 151

[Report No. 2327]

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 1946

Mr. PITTINGER submitted the following concurrent resolution; which was referred to the Committee on Expenditures in the Executive Departments

JUNE 24, 1946

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

CONCURRENT RESOLUTION

- 1 *Resolved by the House of Representatives (the Senate*
- 2 *concurring), That the Congress does not favor the Reorgan-*
- 3 *ization Plan Numbered 2 of May 16, 1946, transmitted to*
- 4 *Congress by the President on the 16th day of May 1946.*

Union Calendar No. 709

79TH CONGRESS
2^D Session

H. CON. RES. 151

[Report No. 2327]

CONCURRENT RESOLUTION

Against adoption of Reorganization Plan
Numbered 2 of May 16, 1946.

By Mr. PITTINGER

MAY 23, 1946

Referred to the Committee on Expenditures in the
Executive Departments

JUNE 24, 1946

Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

REORGANIZATION PLAN NO. 2

JULY 9 (legislative day, JULY 5) 1946.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. Con. Res. 65]

The Committee on the Judiciary, to whom was referred the concurrent resolution (S. Con. Res. 65) disapproving Reorganization Plan No. 2, having considered the same, report unfavorably thereon with the recommendation that the concurrent resolution be disapproved.

INTRODUCTION

Enactment of the Reorganization Act of 1945 involved a broad grant of discretion by the Congress, to the President, to reorganize the executive branch of the Government in accordance with what he considered sound administrative principle, subject to certain mandates and prohibitions specifically written into the act.

Under the provisions of the Reorganization Act, each plan must be approved or rejected as a whole; component parts of a plan cannot be acted upon separately.

It was well recognized by the Congress—and commented upon in committee and on the floor—that whatever the President might propose with respect to curtailment of the powers or functions of any particular department or agency probably would be subject to objections from that agency and from a certain satellite segment of public opinion which could be readily influenced by that agency. Since such objections were expected, it seems reasonable to assume it was the will of the Congress that the President's decisions with respect to policy and with respect to the advisability and desirability of such changes as he might propose should be, if not controlling, at least strongly persuasive.

The Congress gave the President certain powers. The Congress will hold the President responsible for the effectiveness and efficiency of the administration of the executive branch and for the results of any reorganizations which may be put into effect. The responsibility for

results is wholly the President's. Therefore, it seems entirely reasonable to contend, as the administration does contend, that the President's proposals should not be lightly rejected because of a mere challenge to the wisdom or desirability of any particular proposed reorganization.

It is important, therefore, to distinguish clearly between objections to and criticisms of any individual reorganization plan, or items therein which are based upon questions of expediency, policy, or desirability. In the analysis which follows, this distinction is made, and the two kinds of objections are separately set forth.

Enactment of the Reorganization Act of 1945 clearly evidenced a desire by the Congress that reorganization of the executive branch shall be accomplished. Certainly, therefore, while it is clearly the duty of the Congress to examine each plan, and each component of each plan, with the greatest care to determine whether it complies in every respect with the provisions of the Reorganization Act of 1945, the illegality of a plan, or of any particular provision of a plan, should be clearly evident in order to justify rejection of the plan, since such rejection would be, in effect, in derogation of the will of the Congress that there shall be reorganization in the executive branch.

In this connection, it should be borne in mind at all times that the Attorney General of the United States has stated unequivocally his own complete approval of the legality of each of the reorganization plans transmitted by the President and of all of the provisions therein.

It has been argued, as a general objection to these three reorganization plans, that they do not provide for specific savings in dollars and cents and that savings of at least 25 percent are contemplated by the Reorganization Act.

While witnesses at the hearings have been reluctant to testify concerning prospective savings, a partially inconclusive study made by the committee staff indicates that savings of approximately \$500,000 may perhaps be reasonably anticipated, on the basis of a comparison of the costs of administration, in the event these plans become operative, with the costs of administration if the agencies affected continue on the present basis or revert to their permanent prewar status. Entirely aside from this point, however, it should be noted that the Reorganization Act does not specifically require savings; and that the language with respect to the expectation of Congress in that regard was rewritten so as to be applicable not to any particular reorganization plan or plans but as an over-all expectation with respect to all reorganizations proposed by the President under the act. Since it has been testified that other reorganization plans are in process of formulation and will be submitted at a later date, it does not appear to be essential, as a matter of law, that any specific savings should be demonstrated as certain to occur under the plans now before the Congress.

Questioning of Government witnesses at the hearings was purposely very explicit on many points which seemed to require clarification either of the intent of the plan or of the interpretation which would be placed upon certain provisions of the plan. With respect to such matters of intent and interpretation, the committee wishes to point out that the testimony of Government witnesses, particularly those who worked on the plans while they were in process of preparation, must be considered controlling as to intent; and that such testimony

is equally controlling as to interpretation, unless the Congress shall clearly and specifically indicate otherwise. It has been the purpose of the committee, in raising these various issues during the hearings, to lay a foundation for a rational interpretation and administration of these reorganization plans and to resolve in advance, as far as possible, and to the extent that such questions can be anticipated, the many questions which may be expected to arise in the event the plans become effective. Thus, in approving any one of these plans, the Congress will be approving not merely the language of the plan as set forth and explained in the President's message transmitted to the Congress but also the interpretation and intent of the plan, or any provision thereof, as explained by Government witnesses at the hearings, unless the contrary intent of the committee or the Congress shall be otherwise clearly expressed.

DISCUSSION

Reorganization Plan No. 2 of 1946 was transmitted to the Senate on May 16. The President's message of transmittal, and the text of the plan, have been printed as House Document 595, Seventy-ninth Congress, second session. In this report each section of the plan will be taken up in order. Specific objections made to the provisions of any section will be noted and discussed.

SECTION 1

Functions concerning child welfare, crippled children, child and maternal health, and research in problems of child life are transferred by this section to the Federal Security Agency to tie them in with State and Federal programs presently extant and administered through FSA.

(Those functions concerned with enforcement and administration of the "child-labor laws" remain in the Labor Department, but where now vested by law in the Children's Bureau or the Chief thereof are transferred to the Secretary of Labor.)

Legal objections

None.

Nonlegal objections

William Green, of the A. F. of L., questions the advisability of this provision, indicating he regards it as weakening the structure of the Labor Department.

Msgr. John O'Grady of Catholic Charities testified in favor of the transfer, but expressed the hope that the Federal and State assistance angle will not become paramount to the voluntary services rendered by his and other similar organizations.

SECTION 2

This section transfers the functions of the Secretary of Commerce, the Census Bureau, and the Director of the Census, with respect to vital statistics, to the Federal Security Administrator.

(Government witnesses testified that the language of this section does not convey authority to the Federal Security Administrator to

collect and disseminate statistics with regard to marriages, divorces, and annulments, except to the extent that such authority is now possessed by the Secretary of Commerce and the Director of the Bureau of the Census. Government witnesses testified that the words "including statistics on births, deaths, marriages, divorces, and annulments" were not intended as words of limitation, but were merely descriptive of a class; and that the language of the plan was intended to convey to the Federal Security Administrator any and all authority, with respect to vital statistics, now possessed by the Secretary of Commerce, the Bureau of the Census, and the Director thereof, but not to convey any further or additional authority. It was further testified that if this plan becomes effective, it would operate to strip the Secretary of Commerce of all authority he may possess, under any statute, with respect to the collection and dissemination of vital statistics.)

Legal objections

None.

Nonlegal objections

None.

SECTION 3

This section abolishes the United States Employees' Compensation Commission and transfers its functions to the Federal Security Agency to be administered under rules and regulations provided by the head of that Agency. It provides for establishment of a three-person appeal board to make final decision on appeals taken from determinations and awards.

Legal objections

Strong representations have been made against the legality of this phase of the plan, under section 5 (a) (6) of the Reorganization Act of 1945.

It is alleged that since the Commission is a quasi-judicial body, the establishment of the appeal board with authority "subject to applicable law (to) make final decision on appeals" is in contravention of many statutes in that it would foreclose appeals to the Federal courts. The Federal Security Administrator and the representative of the Department of Justice have argued that the words of the plan "subject to applicable law" are sufficient to insure the right of appeal to the courts from a decision of the appeal board; and point to the language in the President's message of transmittal, that—

The board of appeals created by this plan will deal only with claims of Government employees since appeals on other types of claims under the jurisdiction of the Commission—(a) longshoremen and harbor workers and (b) private employees in the District of Columbia—are heard by the Federal district courts rather than the Commission.

The greatest strength of the attack on the legality of the provisions here contained with respect to the transfer of the Employees' Compensation Commission appears to hinge upon the interpretation of the words "in such manner". Opponents of the plan contend the natural interpretation of these words is to give the Federal Security Administrator control over the exercise of judgment and discretion with respect to the functions of the proposed appeals board. In order to most strongly support the legality of this provision, the quoted

words must be construed as relating only to the "manner" of performance of functions in a technical sense, i. e., forms, procedures, etc. The committee considers this to be the proper construction.

Nonlegal objections

Representatives of persons who are subject to the decisions of the Commission have argued strongly against the advisability of the plan, pointing out that the Commission has operated fairly and efficiently throughout its whole history; and contend further that an appeal board which is the creature of the Administrator would not take the necessary judicial attitude in reviewing decisions made by the Administrator or by persons to whom he had delegated his authority.

(Mr. Watson Miller, the Federal Security Administrator, stated that this is in effect a social insurance program and thus the transfer is authorized by sec. 2 (a) (4) of the Reorganization Act as "the grouping of agencies according to major purposes;" and defended the abolition of the Commission as within the meaning of sec. 2 (a) (5) which attempts to "reduce the number of agencies by consolidating those having similar functions under a single head.")

One witness raised the point that under the proposal to transfer the Employees' Compensation Commission to the Federal Security Agency, civilian employees who were on Wake and Guam at the time of the Japanese attack would not receive adequate consideration in connection with their claims for compensation.

There does not appear to be any basis for this contention, since the Federal Security Agency has had considerable experience in the administration of such matters, and apparently has performed quite satisfactorily in that regard.

(The Navy Department, prior to Pearl Harbor, recruited personnel for contractors at Pacific naval air bases. Employment was at Wake, Guam, Manila, etc. After Pearl Harbor, salary and allotments for casualties were continued nominally by the contractors through their insurer, Liberty Mutual Insurance Co. The Navy Department paid all costs 100 percent. The Navy requested that the Federal Security Agency temporarily carry on the payments until legislation would be available, and this was done through an allotment from the President's emergency fund. The proposed bill, S. 2412, 77th Cong., provided for a general war-disaster program, giving statutory basis for the emergency program. Coverage of employees of contractors was to be accomplished by amendment to the Longshoremen's and Harbor Workers' Act, administered by the United States Employees Compensation Commission. Only this portion of S. 2412 was enacted, as Public Law 784, 77th Cong. The remaining portions of the program were continued on a temporary emergency basis. A bill is now pending, S. 1905, to transfer the small beneficiary rolls of the temporary emergency program to the USECC as a further amendment to the Longshoremen's and Harbor Workers' Act.

(The Federal Security Agency carried the employees of the contractors until January 1, 1943, when 1,258 beneficiaries were transferred to the Commission.

(The Federal Security Agency is still continuing its program of civilian war benefits and civilian war assistance. Since January 1, 1943, when the Wake and Guam contractors' employees were transferred to the USECC, the Federal Security Agency has handled some

500 similar cases originating in other parts of the Pacific, particularly the Philippine Islands and Pearl Harbor.)

SECTION 4

This section abolishes the Social Security Board and transfers its functions and duties to the Federal Security Administrator.

Legal objections

Objection was made to this provision of the plan on the ground that it wipes out a statutory board, a creation of Congress, and places the full responsibility in one man. The question would seem to be whether such an objective is contemplated under the Reorganization Act, since the language of the plan does not place any limitation on the carrying out of any function transferred. The act defines "agency" to include "board" and specifically authorizes the President to "include provisions for the appointment * * * of the head * * * of any agency (including an agency resulting from a consolidation)," specifying that such "head" may be "an individual."

Nonlegal objections

None.

SECTION 5

This section provides for two assistants of the Federal Security Agency.

(Government witnesses expressed the view that the language of this section does not require competitive examinations for the posts of assistant heads of the Federal Security Agency, and that the Federal Security Administrator, in making one of these appointments, would not be required to confine himself to a list of names submitted by the Civil Service Commission. However, the same witnesses testified that in making appointments to these positions, the Administrator would be required to comply with any regulations imposed by the Civil Service Commission.)

Legal objections

None.

Nonlegal objections

None.

SECTION 6

This section transfers functions under the act of June 20, 1936, with respect to the blind from the Office of Education to the Federal Security Agency.

Legal objections

None.

Nonlegal objections

None.

SECTION 7

This section abolishes the office of the Assistant Commissioner of Education and transfers its functions and those of the Commissioner to the Commissioner of Education to be administered by such officers as he may designate and as the Administrator may approve.

Legal objections

None.

Nonlegal objections

None.

SECTION 8

This section abolishes the Federal Board for Vocational Education.

Legal objections

None.

Nonlegal objections

None.

SECTION 9

This section abolishes the Board of Visitors of St. Elizabeths Hospital for the given reason that it overlaps the jurisdiction of the Federal Security Administrator. (Mr. Watson Miller testified he favors the idea of some such board, and might create one, but with wholly advisory powers.)

Legal objections

None.

Nonlegal objections

None.

SECTION 10

Under this section the Federal Security Administrator would be authorized to establish uniform standards and procedures for the coordination of grant-in-aid programs.

(Attention is directed to the testimony with respect to the difference in language between this section, which provides that "the Federal Security Administrator shall establish, so far as practicable," and the President's message (p. 5, H. Doc. 595, 79th Cong.), which states that "the plan provides that, insofar as practicable and consistent with the applicable legislation," etc. This testimony was to the effect that the language of the President's message was both explanatory of, and controlling with respect to, the interpretation of the language of the plan itself, so that it could not be assumed the plan granted any authority not consistent with applicable legislation, or conveyed to the Federal Security Administrator any authority with regard to establishing uniform standards and procedures which he does not now have under existing law.)

Legal objections

None.

Nonlegal objections

None.

SECTION 11

Under this section the Federal Security Administrator would be authorized to wind up the affairs of agencies abolished under this plan. The provision here differs from plans 1 and 3, in that in the latter the Director of the Bureau of the Budget is given the necessary

authority with respect to winding up the affairs of agencies affected by those plans.

Legal objections

None.

Nonlegal objections

None.

SECTION 12

This section authorizes the Director of the Budget Bureau to make such transfers of funds, personnel, property, etc., as are required to carry out the purposes of the plan.

Legal objections

None.

Nonlegal objections

None.

CONCLUSION

The committee considers Reorganization Plan No. 2 of 1946 to be a legal exercise of the President's powers under the Reorganization Act of 1945.



Calendar No. 1705

79TH CONGRESS
2^D SESSION

S. CON. RES. 65

[Report No. 1671]

IN THE SENATE OF THE UNITED STATES

MAY 29 (legislative day, MARCH 5), 1946

Mr. McCARRAN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

JULY 9 (legislative day, JULY 5), 1946

Reported adversely by Mr. McCARRAN and placed on the calendar

CONCURRENT RESOLUTION

1 *Resolved by the Senate (the House of Representatives*
2 *concurring)*, That the Congress does not favor the Re-
3 organization Plan Numbered 2 transmitted to Congress by
4 the President on May 16, 1946.

Calendar No. 1705

79TH CONGRESS
2^D SESSION

S. CON. RES. 65

[Report No. 1671]

CONCURRENT RESOLUTION

Disapproving Reorganization Plan
Numbered 2.

By Mr. McCARRAN

MAY 29 (legislative day, MARCH 5), 1946

Referred to the Committee on the Judiciary

JULY 9 (legislative day, JULY 5), 1946

Reported adversely and placed on the calendar

H. CON. RES. 151

IN THE SENATE OF THE UNITED STATES

JULY 15 (legislative day, JULY 5), 1946

Considered and disagreed to

CONCURRENT RESOLUTION

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That the Congress does not favor the Reorgan-
3 ization Plan Numbered 2 of May 16, 1946, transmitted to
4 Congress by the President on the 16th day of May 1946.

Passed the House of Representatives June 28, 1946.

Attest:

SOUTH TRIMBLE,

Clerk.

79TH CONGRESS
2d Session

H. CON. RES. 151

CONCURRENT RESOLUTION

Against adoption of Reorganization Plan
Numbered 2 of May 16, 1946.

JULY 15 (legislative day, JULY 5), 1946
Considered and disagreed to

REORGANIZATION PLAN NO. 3 OF 1946

M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

REORGANIZATION PLAN NO. 3 OF 1946, PREPARED IN ACCORDANCE
WITH THE PROVISIONS OF THE REORGANIZATION ACT OF 1945

MAY 16, 1946.—Referred to the Committee on Expenditures in the Executive
Departments and ordered to be printed

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 3 of 1946, prepared in accordance with the provisions of the Reorganization Act of 1945.

The plan contains reorganizations affecting a number of departments and establishments. Some continue on a permanent basis changes made by Executive order under authority of the First War Powers Act. A few make adjustments in the distribution of functions among agencies. The remainder deal with problems of organization within individual agencies. All are concerned with improving and simplifying particular phases of Government administration.

Each proposal is explained in more detail under the appropriate heading below.

I have found, after investigation, that each reorganization contained in the plan is necessary to accomplish one or more of the purposes set forth in section 2 (a) of the Reorganization Act of 1945.

DEPARTMENT OF THE TREASURY

The functions of the Bureau of Marine Inspection and Navigation were transferred from the Department of Commerce to the Coast Guard and the Bureau of Customs in 1942 by Executive order under the First War Powers Act. This arrangement has been proved successful by the experience of the past 4 years. Part I of the reorganization plan continues the arrangement on a permanent basis.

UNITED STATES COAST GUARD

The principal functions of the Bureau of Marine Inspection and Navigation were those of the inspection of vessels and their equipment, the licensing and certificating of officers and seamen, and related functions designed to safeguard the safety of life and property at sea. Thus these functions are related to the regular activities and general purposes of the Coast Guard. The Coast Guard administered them successfully during the tremendous expansion of wartime shipping, by virtue of improvements in organization and program, many of which ought to be continued.

The plan also transfers to the Coast Guard the functions of the collectors of customs relating to the award of numbers to undocumented vessels. These functions, too, were temporarily transferred to the Coast Guard in 1942.

BUREAU OF CUSTOMS

The plan transfers to the Commissioner of Customs the functions of the Bureau of Marine Inspection and Navigation and the Secretary of Commerce, relating to the documentation of vessels, measurement of vessels, administration of tonnage tax and tolls, entry and clearance of vessels and aircraft, regulation of coastwise trade and fisheries, recording of conveyances and mortgages of vessels, and protection of stevedore passengers. These functions have always been performed at the ports by the customs service, although legal responsibility for their supervision was vested in the Bureau of Marine Inspection and Navigation and the Secretary of Commerce until transferred temporarily to the Commissioner of Customs under the wartime reorganization power.

The proposed transfer will permit more efficient administration by ending divided responsibility.

DEPARTMENT OF WAR AND DEPARTMENT OF THE NAVY

FUNCTIONS WITH RESPECT TO CERTAIN INSANE PERSONS

Prior to World War I practically all mental patients for whom the Federal Government was legally obligated to provide hospital care and treatment, including personnel of the armed forces, were hospitalized in St. Elizabeths Hospital, Washington, D. C. In addition, this hospital served as the mental hospital for the District of Columbia government. Following World War I, the responsibility for hospital care of mentally ill war veterans was assigned to the Veterans' Administration. Somewhat later, specialized hospital facilities were provided by the Bureau of Prisons of the Department of Justice to enable that agency to care for prisoners suffering from mental disorders.

With the growth in the population of the District of Columbia and the wartime expansion of the armed forces, the facilities of St. Elizabeths Hospital became inadequate. The War Department therefore established its own mental hospitals at the outset of World War II. Furthermore it became necessary a year ago for the Navy Department to discontinue the use of St. Elizabeths and to assume the responsibility for the care of its mental patients.

Since the return of the Coast Guard to the Treasury Department, the Public Health Service now provides care in its mental hospitals for personnel of the Coast Guard in accordance with the basic responsibility delegated to it in the Public Health Service Code enacted in 1944. The plan abolishes the functions of St. Elizabeths Hospital with respect to insane persons belonging to the Coast Guard which are provided for by section 4843 of the Revised Statutes (24 U. S. C. 191).

Responsibility for the care of mental patients has been allocated on the basis of the four broad categories of beneficiaries, namely, (1) veterans, to be cared for by the Veterans' Administration; (2) military and naval personnel, to be cared for by the War and Navy Departments; (3) prisoners, for whom the Department of Justice will be responsible; and (4) other civilians, to be cared for by the Federal Security Agency. The reorganization plan, in order to carry out this policy, provides for the transfer or abolition of certain functions and legal responsibilities now resting with the Federal Security Administrator and Superintendent of St. Elizabeths Hospital.

NAVY DEPARTMENT

HYDROGRAPHIC OFFICE AND NAVAL OBSERVATORY

The plan transfers the Hydrographic Office and the Naval Observatory from the Bureau of Naval Personnel to the Office of the Chief of Naval Operations. The plan would confirm and make permanent the action taken in 1942 by Executive Order No. 9126 under the First War Powers Act.

The functions performed by both the Hydrographic Office and the Naval Observatory relate primarily to operational matters and thus are more appropriately placed in the Office of the Chief of Naval Operations than in the Bureau of Naval Personnel. This fact was recognized in the realignment of naval functions at the outbreak of the war. The plan merely confirms an organizational relationship which has existed successfully for the past 4 years.

SUPPLY DEPARTMENT OF THE UNITED STATES MARINE CORPS

The plan consolidates the Paymaster's Department and the Quartermaster's Department of the United States Marine Corps into a single Supply Department. This consolidation will establish in the Marine Corps an integrated supply organization which parallels that of the Navy Department's Bureau of Supplies and Accounts.

The consolidation will make possible a more efficient and more economical organization of the companion functions of supply and disbursement, eliminating the present handling of related items by two separate departments of the Corps.

DEPARTMENT OF THE INTERIOR

THE FRANKLIN D. ROOSEVELT LIBRARY AT HYDE PARK

At the present time, the National Park Service, the Public Buildings Administration, and the Archivist of the United States all perform "housekeeping" functions at the Franklin D. Roosevelt Library and

home at Hyde Park. The plan unifies in the National Park Service responsibility for activities of this character at Hyde Park—that is, the maintenance and protection of buildings and grounds, the collection of fees, and the handling of traffic and visitors. Because of its wide experience in the administration of historic sites, the National Park Service is the logical agency to assume the combined functions.

Transfer of these functions does not affect the responsibility of the Archivist for the contents and professional services of the library proper. It also does not affect the present disposition of the receipts, which is provided by law.

FUNCTIONS RELATING TO MINERAL DEPOSITS IN CERTAIN LANDS

The plan transfers to the Department of the Interior jurisdiction over mineral deposits on lands held by the Department of Agriculture.

The Department of the Interior now administers the mining and mineral leasing laws on various areas of the public lands, including those national forests established on parts of the original public domain. The Department of Agriculture, on the other hand, has jurisdiction with respect to mineral deposits on (1) forest lands acquired under the Weeks Act, (2) lands acquired in connection with the rural rehabilitation program, and (3) lands acquired by the Department as a part of the Government's effort to retire submarginal lands.

Accordingly this reorganization plan provides that these mineral deposits on lands of the Department of Agriculture will be administered by the Department of the Interior, which already has the bulk of the Federal Government's mineral leasing program.

The plan further provides that the administration of mineral leasing on these lands under the jurisdiction of the Department of Agriculture will be carried on subject to limitations necessary to protect the surface uses for which these lands were primarily acquired.

BUREAU OF LAND MANAGEMENT

The plan consolidates the General Land Office and the Grazing Service of the Department of the Interior into a Bureau of Land Management.

The General Land Office and the Grazing Service now divide responsibility for the major portion of the multiple-use federally owned lands now held by the Department of the Interior. The lands under jurisdiction of the two agencies are comparable in character and in use. In some functions the two agencies employ the same type of personnel and use the same techniques. Other functions are divided between the agencies, so that both are engaged in management of various aspects of the same land. Consolidating these two agencies will permit the development of uniform policies and the integration of two organizations whose responsibilities now overlap.

Integration of the activities of the two agencies will make possible greater utilization and thus more economic use of expert skills. The same practical experience embraced in range administration on public lands in grazing districts will be available for public lands outside the districts.

Utilization of lands within grazing districts for nongrazing purposes will be subject to only one classification examination, rather than

dual examination as is now necessary. Economy will be possible in the construction of range improvements, wherever feasible, to serve lands both in and out of districts. Legal procedures, such as adjudication of issues relating to licenses and leases, hearings on appeal from administrative decisions, and the processing of trespass cases, will benefit from unified administration and handling.

In such activities as fire protection, soil and moisture conservation, management of public lands under agreement with other agencies (e. g., Bureau of Reclamation), range surveys, maintenance and improvement of stock driveways, and stabilization of range use on all public domain, the benefits of consolidation will become increasingly apparent. Further, records relating to grazing lands can be concentrated in fewer field offices and hence administered more effectively.

While the establishment of a new Bureau of Land Management under a Director involves the abolition of the Commissioner and Assistant Commissioners of the General Land Office, the Director and Assistant Directors of Grazing, the Registers of District Land Offices, and the United States Supervisor of Surveys, the statutory functions now discharged by these officers are in no way modified. This plan will place final responsibility for these functions in the Secretary of the Interior and make him responsible for their performance in coordination with the other land activities of his Department. Officers whose offices are specifically abolished, but whose experience will make them valuable to the Department, should be available for appointment in the new Bureau.

I have found and declare that by reason of the reorganization made by the plan the responsibilities and duties of the Bureau of Land Management are of such nature as to require the inclusion in the plan of provisions for the appointment and compensation of a Director, an Associate Director, and Assistant Directors.

DEPARTMENT OF AGRICULTURE

FUNCTIONS OF CERTAIN AGENCIES OF THE DEPARTMENT OF AGRICULTURE

To enable the Department of Agriculture to meet its responsibilities for food production and distribution during the war, there was early and continuing coordination of its programs directly concerned with these phases of the food problem. Beginning with Executive Order No. 9069 of February 23, 1942, those programs and agencies dealing with food production and distribution were gradually consolidated by a series of Executive orders issued under the authority of the First War Powers Act. By Executive Order No. 9334 of April 19, 1943, they were all grouped into a War Food Administration, under a War Food Administrator.

When the fighting was drawing to a close and the emergency purposes of the War Food Administration had been largely accomplished, this Administration was terminated by Executive Order No. 9577 of June 29, 1945, and its functions and agencies were transferred back to the jurisdiction of the Secretary of Agriculture. Executive Order No. 9577 also authorized the Secretary of Agriculture to organize and administer the transferred functions and agencies in the manner which he deemed best.

Under this authority the Secretary established the Production and Marketing Administration in August 1945. Into this Administration he consolidated the functions of many of the production and marketing agencies which were transferred back from the War Food Administration. Included were the functions of the Agricultural Adjustment Administration and the Surplus Marketing Administration and the administration of the programs of the Federal Crop Insurance Corporation and the Commodity Credit Corporation.

The plan transfers these functions to the Secretary of Agriculture, in order to permit him to continue the consolidation already effected in the Production and Marketing Administration. This provision makes it possible to maintain the close coordination and integration of food-production and distribution programs, with the resulting benefits that were achieved during the war. It also provides the Secretary with the necessary flexibility to make adjustments in the coordination and administration of these programs to meet changing conditions and new problems, a flexibility which he particularly needs at this period of acute food shortages throughout the world.

DEPARTMENT OF COMMERCE

CERTAIN FUNCTIONS OF NATIONAL BUREAU OF STANDARDS

The plan transfers the functions of two Divisions of the National Bureau of Standards in the Department of Commerce, namely, the Division of Simplified Trade Practices and the Division of Commercial Standards, to the Secretary of Commerce. The transfer will permit the Secretary to reassign these functions to the Office of Domestic Commerce, which is the focal point of the Department's general service functions for American business.

These two Divisions were established as a result of the standardization work initiated in World War I. Both Divisions have followed the same basic procedure of assisting the producers and the consumers of particular products to agree among themselves on certain standards or on a certain limited number of varieties. Each such voluntary agreement is then published by the National Bureau of Standards and, although not compulsory, has tended to become the generally accepted practice in the trade.

Standardization again proved to be an important device for accelerating production in World War II, and industry has shown renewed interest in continuing these wartime conservation and rationalization programs on a voluntary basis in the production of peacetime products.

The desirability of the proposed transfer was emphasized only a few months ago by the report of a committee of prominent businessmen appointed by the Secretary of Commerce to review the entire question of the Government's activities in this field. These studies indicate that two major benefits will result from the transfer.

First, the association of the two Divisions with the National Bureau of Standards has perhaps tended to give the impression in some quarters that voluntary standards and trade practices worked out by industry with the help of these two Divisions are in some sense Government standards which are enforced on the basis of scientific and objective tests. The transfer of these two Divisions to the Department proper would reduce any such misconceptions, and make it clear that these standards and simplified practices are voluntary

industry agreements in the making of which the Government acts merely in an advisory capacity.

Second, the other general services of the Department to American business, such as marketing, management, and economic and statistical services, are now concentrated in the Office of Domestic Commerce. The association of these two Divisions with these other services to business will facilitate their work and enable them to make use of the wide industrial and business contacts of the Office of Domestic Commerce.

NATIONAL LABOR RELATIONS BOARD

STRIKE BALLOTS UNDER THE WAR LABOR DISPUTES ACT

The plan abolishes the function of conducting strike ballots which was vested in the National Labor Relations Board by section 8 of the War Labor Disputes Act (57 Stat. 167, ch. 144). Experience indicates that such elections under the act do not serve to reduce the number of strikes and may even aggravate labor difficulties. The Congress has already forbidden the Board to expend any of its appropriations for the current fiscal year for this activity (First Deficiency Appropriation Act of 1946). I believe that the function should now be permanently abolished.

SMITHSONIAN INSTITUTION

CANAL ZONE BIOLOGICAL AREA

The plan transfers responsibility for the Canal Zone Biological Area to the Smithsonian Institution. At present the Canal Zone Biological Area is an independent agency of the Government, having as its function the administration of Barro Colorado Island in Gatun Lake as a tropical wildlife preserve and research laboratory. The Board of Directors of this agency consists of the President of the National Academy of Sciences as Chairman, the Secretary of the Smithsonian Institution, three members of the Cabinet—the Secretaries of War, Interior, and Agriculture—and three biologists.

The transfer will locate this function with comparable and related functions already assigned to the Smithsonian Institution, whose staff members have participated since the beginning in developing the island as a research center. It will reduce by one the number of Government agencies. It will relieve three Cabinet members of routine duties not important enough to warrant their personal attention.

Under its existing authority the Smithsonian Institution may constitute an advisory board of biologists and departmental representatives if it finds such action necessary.

UNITED STATES EMPLOYMENT SERVICE

PLACEMENT FUNCTIONS UNDER SELECTIVE TRAINING AND SERVICE ACT OF 1940

The plan transfers to the United States Employment Service the functions of the Selective Service System and its Director with respect to assisting ex-servicemen in obtaining new positions. These func-

tions directly overlap the regular placement activities of the United States Employment Service, which is required to provide a special placement service for veterans both by its basic act and by the Servicemen's Readjustment Act of 1944. The transfer is in line with the policy of the Congress on the placement of veterans as most recently expressed in the 1944 act. The shift will prevent needless duplication of personnel and facilities and will assure the best service to veterans.

HARRY S. TRUMAN.

THE WHITE HOUSE, May 16, 1946.

REORGANIZATION PLAN NO. 3 OF 1946

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 16, 1946, pursuant to the provisions of the Reorganization Act of 1945, approved December 20, 1945

PART I. DEPARTMENT OF THE TREASURY

SECTION 101. *Functions transferred to the United States Coast Guard.*—(a) There are hereby transferred to the Commandant of the Coast Guard those functions of the bureau, offices, and boards specified in the first sentence of section 104 of this plan, and of the Secretary of Commerce, which pertain to approval of plans for the construction, repair, and alteration of vessels; approval of materials, equipment, and appliances; classification of vessels; inspection of vessels and their equipment and appliances; issuance of certificates of inspection, and of permits indicating the approval of vessels for operations which may be hazardous to life or property; administration of load line requirements; enforcement of other provisions for the safety of life and property on vessels; licensing and certificating of officers, pilots, and seamen; suspension and revocation of licenses and certificates; investigation of marine casualties; enforcement of manning requirements, citizenship requirements, and requirements for the mustering and drilling of crews; control of logbooks; shipment, discharge, protection, and welfare of merchant seamen; enforcement of duties of shipowners and officers after accidents; promulgation and enforcement of rules for lights, signals, speed, steering, sailing, passing, anchorage, movement, and towlines of vessels and lights and signals on bridges; numbering of undocumented vessels; prescription and enforcement of regulations for outfitting and operation of motorboats; licensing of motorboat operators; regulation of regattas and marine parades; all other functions of such bureau, offices, and boards which are not specified in section 102 of this plan; and all other functions of the Secretary of Commerce pertaining to those functions of the agencies abolished under section 104 of this plan which are not specified in section 102 of this plan, including the remission and mitigation of fines, penalties, and forfeitures incurred under the laws governing these functions and those incurred under the act of December 17, 1941 (55 Stat. 808), as amended.

(b) The functions relating to the award of numbers to undocumented vessels vested by law in the collectors of customs are hereby transferred to the Commandant of the Coast Guard.

SEC. 102. *Functions transferred to Bureau of Customs.*—There are hereby transferred to the Commissioner of Customs those functions of the bureau, offices, and boards specified in the first sentence of section 104 of this plan, and of the Secretary of Commerce, which pertain to registry, enrollment, and licensing of vessels, including the issuance of commissions to yachts, the assignment of signal letters, and the preparation of all reports and publications in connection therewith; measurement of vessels, administration of tonnage duties, and collection of tolls; entry and clearance of vessels and aircraft, regulation of vessels in the coasting and fishing trades, and limitation of the use of foreign vessels in waters under the jurisdiction of the United States; recording of sales, conveyances, and mortgages of vessels; protection of steerage passengers; all other functions of such bureau, offices, and boards which were performed by the Bureau of Customs on behalf thereof immediately prior to the effective date of Executive Order No. 9083 of February 28, 1942 (7 F. R. 1609); and the power to remit and mitigate fines, penalties, and forfeitures incurred under the laws governing these functions.

SEC. 103. *Powers of the Secretary of the Treasury.*—The functions transferred by sections 101 and 102 of this plan may be performed through such officers and employees of the United States Coast Guard and the Bureau of Customs, respectively, as may be designated by the Commandant of the Coast Guard and the Commissioner of Customs, respectively, and shall be performed subject to the direction and control of the Secretary of the Treasury except as otherwise required by law with respect to the United States Coast Guard whenever it operates as a part of the Navy.

SEC. 104. *Abolition of agencies.*—The Bureau of Marine Inspection and Navigation, the office of the director thereof, the offices of supervising inspectors, principal traveling inspectors, local inspectors, assistant inspectors, shipping commissioners, deputy shipping commissioners, and the board of supervising inspectors, the boards of local inspectors, the marine casualty investigation board, and the marine boards are hereby abolished. The Secretary of the Treasury shall provide for winding up those affairs of the said abolished agencies which are not otherwise disposed of herein.

PART II. DEPARTMENT OF WAR AND DEPARTMENT OF THE NAVY

SECTION 201. *Functions with respect to certain insane persons.*—(a) The functions of St. Elizabeths Hospital and the Superintendent thereof, and of the Federal Security Agency and the Federal Security Administrator, with respect to the care, treatment, and custody of insane persons, as provided in section 4843 of the Revised Statutes (24 U. S. C. 191), are hereby transferred or abolished as follows:

(1) Functions with respect to insane persons belonging to the Army or falling, by reason of employment or service in the Army, within any of the categories enumerated in said section, are transferred to the Secretary of War and shall be performed by the Secretary or, subject to his direction and control, by such officers and agencies of the Department of War as he may designate.

(2) Functions with respect to insane persons belonging to the Navy or falling, by reason of prior service in the Navy, within any of the categories enumerated in said section, are transferred to the Secretary of the Navy and shall be performed by the Secretary or, subject to his

direction and control, by such officers and agencies of the Department of the Navy as he may designate. (For the purposes of this subpar. (2), the Marine Corps but not the Coast Guard is included in the Navy.)

(3) Functions with respect to insane persons belonging to the Coast Guard are abolished.

(b) Nothing in subsection (a) of this section shall affect the functions and authority of St. Elizabeths Hospital, the Superintendent thereof, the Federal Security Agency, or the Federal Security Administrator, with respect to any person heretofore admitted to St. Elizabeths Hospital and a patient therein on the effective date of this plan under the provisions of section 4843 of the Revised Statutes, or the functions and authority of said officers and agencies or of the Public Health Service with respect to Coast Guard members as beneficiaries of the Public Health Service, as provided by section 504 of the Public Health Service Act (58 Stat. 710, 42 U. S. C. 222).

PART III. DEPARTMENT OF THE NAVY

SECTION 301. *Hydrographic Office and Naval Observatory.*—The Hydrographic Office and the Naval Observatory, together with their respective functions, are hereby transferred from the Bureau of Naval Personnel, Department of the Navy, to the Chief of Naval Operations, and shall be administered, subject to the direction and control of the Secretary of the Navy, under the Chief of Naval Operations.

SEC. 302. *Supply Department of the United States Marine Corps.*—The Paymaster's Department of the United States Marine Corps and the Quartermaster's Department of the United States Marine Corps, and the functions of such departments, are hereby consolidated to form a single new agency, which shall be known as the Supply Department of the United States Marine Corps, and at the head of which there shall be the Quartermaster General of the Marine Corps. The office and title of "the Paymaster General of the Marine Corps," provided for in the act of March 24, 1944 (58 Stat. 121), are hereby abolished.

PART IV. DEPARTMENT OF THE INTERIOR

SECTION 401. *Certain functions with respect to the Franklin D. Roosevelt Library.*—The following functions are hereby transferred to the Secretary of the Interior and shall be performed, subject to his direction and control, by such officers and agencies of the Department of the Interior as he may designate:

(a) The functions of the Commissioner of Public Buildings, under section 206 of the act of July 18, 1939 (53 Stat. 1062), with respect to the care, maintenance, and protection of the buildings and grounds of the Franklin D. Roosevelt Library.

(b) The functions of the Archivist of the United States, under section 207 of the said act, with respect to the collection of fees from persons visiting and viewing the exhibit rooms or museum portion of said library, excluding the fixing of charges to be collected but including the making of all other regulations with respect to such collection. (Any funds derived from such fees shall be paid, held, administered, and expended in consonance with the proviso in said sec. 207.)

SEC. 402. *Functions relating to mineral deposits in certain lands.*—The functions of the Secretary of Agriculture and the Department of

Agriculture with respect to the uses of mineral deposits in certain lands pursuant to the provisions of the act of March 4, 1917 (39 Stat. 1134, 1150, 16 U. S. C. 520), title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 195, 200, 202, 205, 40 U. S. C. 401, 403 (a) and 408), the 1935 Emergency Relief Appropriation Act of April 8, 1935 (48 Stat. 115, 118), section 55 of title I of the act of August 24, 1935 (49 Stat. 750, 781), and the act of July 22, 1937 (50 Stat. 522, 525, 530), as amended July 28, 1942 (56 Stat. 725, 7 U. S. C. 1011 (c) and 1018), are hereby transferred to the Secretary of the Interior and shall be performed by him or, subject to his direction and control, by such officers and agencies of the Department of the Interior as he may designate: *Provided*, That mineral development on such lands shall be authorized by the Secretary of the Interior only when he is advised by the Secretary of Agriculture that such development will not interfere with the primary purposes for which the land was acquired and only in accordance with such conditions as may be specified by the Secretary of Agriculture in order to protect such purposes. The provisions of law governing the crediting and distribution of revenues derived from the said lands shall be applicable to revenues derived in connection with the functions transferred by this section. To the extent necessary in connection with the performance of the functions transferred by this section, the Secretary of the Interior and his representatives shall have access to the title records of the Department of Agriculture relating to the lands affected by this section.

SEC. 403. *Bureau of Land Management*.—(a) The functions of the General Land Office and of the Grazing Service in the Department of the Interior are hereby consolidated to form a new agency in the Department of the Interior to be known as the Bureau of Land Management. The functions of the other agencies named in subsection (d) of this section are hereby transferred to the Secretary of the Interior.

(b) There shall be at the head of such Bureau a Director of the Bureau of Land Management, who shall be appointed by the Secretary of the Interior under the classified civil service, who shall receive a salary at the rate of \$10,000 per annum, and who shall perform such duties as the Secretary of the Interior shall designate.

(c) There shall be in the Bureau of Land Management an Associate Director of the Bureau of Land Management and so many Assistant Directors of the Bureau of Land Management as may be necessary, who shall be appointed by the Secretary of the Interior under the classified civil service and subject to the Classification Act of 1923, as amended, and who shall perform such duties as the Secretary of the Interior may prescribe.

(d) The General Land Office, the Grazing Service, the offices of Commissioner of the General Land Office, Assistant Commissioner of the General Land Office, Director of the Grazing Service, all Assistant Directors of the Grazing Service, all registers of the district land offices, and United States Supervisor of Surveys, together with the Field Surveying Service now known as the Cadastral Engineering Service, are hereby abolished.

(e) The Bureau of Land Management and its functions shall be administered subject to the direction and control of the Secretary of the Interior, and the functions transferred to the Secretary by subsection (a) of this section shall be performed by the Secretary or, sub-

ject to his direction and control, by such officers and agencies of the Department of the Interior as he may designate.

PART V. DEPARTMENT OF AGRICULTURE

SECTION 501. *Functions of certain agencies of the Department of Agriculture.*—The following functions are hereby transferred to the Secretary of Agriculture and shall be performed by him or, subject to his direction and control, by such officers and agencies of the Department of Agriculture as he shall designate:

(a) All functions of the Agricultural Adjustment Administration and the Surplus Marketing Administration and of the respective heads of such Administrations.

(b) The administration of the programs of the Federal Crop Insurance Corporation and the Commodity Credit Corporation.

PART VI. DEPARTMENT OF COMMERCE

SECTION 601. *Certain functions of National Bureau of Standards.*—The following functions are hereby transferred to the Secretary of Commerce and shall be performed, subject to his direction and control, by such officers and agencies of the Department of Commerce as he may designate:

(a) Those functions of the National Bureau of Standards under section 2 of the act of March 3, 1901 (31 Stat. 1449), which are now performed by the Division of Commercial Standards of said Bureau, namely, (1) to assist, coordinate, and cooperate with groups of consumers, distributors or producers, technical organizations, and other persons, in the voluntary establishment, maintenance, recording, publishing, and promoting of commercial standards as a nationally and internationally recognized basis for testing, grading, labeling, marketing, guaranteeing, or accepting staple, manufactured commodities moving in daily domestic and foreign trade; and (2) to assist in the development of Federal purchase standards specifications and in providing information to the public and the Government of such standards and specifications.

(b) Those functions of said Bureau under said section 2 which are now performed by the Division of Simplified Trade and Practices of said Bureau, namely, to assist, coordinate, and cooperate with individuals and groups of producers, distributors, and users in establishing, recording, publishing, and promoting a Nation-wide program for the elimination of avoidable waste through the formulation of simplified trade practice recommendations which identify and list the sizes, types, dimensions, and varieties of products that are in national demand in the country, including but not limited to simplified trade practice recommendations concerning the following commodities: Wood, textiles, paper and rubber products, metal and mechanical products, containers and miscellaneous products, materials handling equipment, ceramic products, electrical products, construction materials, and metal and woodworking tools.

(c) So much of the functions of the Director of said Bureau as relates to the foregoing activities.

PART VII. NATIONAL LABOR RELATIONS BOARD

SECTION 701. *Strike ballots under War Labor Disputes Act.*—The functions of the National Labor Relations Board under section 8 of the War Labor Disputes Act (57 Stat. 162, 167, ch. 144) with respect to taking secret ballots of employees on the question of an interruption of war production are hereby abolished.

PART VIII. SMITHSONIAN INSTITUTION

SECTION 801. *Canal Zone Biological Area.*—The functions of the Board of Directors of the Canal Zone Biological Area (which Board is provided for in the act of July 2, 1940 (54 Stat. 724, ch. 516), together with the functions of the executive officer of such Board, are hereby transferred to the Smithsonian Institution. The said Board of Directors and the office of the said executive officer are hereby abolished.

PART IX. UNITED STATES EMPLOYMENT SERVICE

SECTION 901. *Placement functions under Selective Training and Service Act of 1940.*—There is hereby transferred to the United States Employment Service so much of the functions of the Selective Service System and of the Director of Selective Service under section 8 (g) of the Selective Training and Service Act of 1940 (54 Stat. 890, ch. 720) as relates to aiding persons who have satisfactorily completed any period of active duty or of training and service under the said act in securing positions other than the positions held by them prior to said period.

PART X. RECORDS, PROPERTY, PERSONNEL, AND FUNDS

SECTION 1001. *Transfer of records, property, personnel, and funds.*—There are hereby transferred to the respective agencies in which functions are vested pursuant to the provisions of this plan, to be used, employed, and expended in connection with such functions, respectively, or in connection with winding up the outstanding affairs of agencies abolished by this plan, (1) the records and property now being used or held in connection with such functions, (2) the personnel employed in connection with such functions, and (3) the unexpended balances of appropriations, allocations, or other funds available or to be made available for use in connection with such functions.

SEC. 1002. *Disposition of excess personnel.*—Any of the personnel transferred under this plan which the transferee agency shall find to be in excess of the personnel necessary for the administration of the functions transferred to such agency by such plan shall be retransferred under existing law to other positions in the Government or separated from the service.

SEC. 1003. *Dispositions by Director of the Bureau of the Budget.*—Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in order to effectuate the provisions of this part or in order to wind up the outstanding affairs relating to agencies or functions abolished by this plan shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

79TH CONGRESS
2^D SESSION

H. CON. RES. 154

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 1946

Mr. PITTINGER submitted the following concurrent resolution; which was referred to the Committee on Expenditures in the Executive Departments

CONCURRENT RESOLUTION

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That the Congress does not favor the Reorgani-
3 zation Plan Numbered 3 of May 16, 1946, transmitted to
4 Congress by the President on the 16th day of May 1946.

79TH CONGRESS
2D SESSION

H. CON. RES. 154

CONCURRENT RESOLUTION

Against adoption of Reorganization Plan Numbered 3 of May 16, 1946.

By Mr. PITTINGER

MAY 25, 1946

Referred to the Committee on Expenditures in the
Executive Departments

79TH CONGRESS
2^D SESSION

S. CON. RES. 66

IN THE SENATE OF THE UNITED STATES

MAY 29 (legislative day, MARCH 5), 1946

Mr. McCARRAN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

CONCURRENT RESOLUTION

1 *Resolved by the Senate (the House of Representatives*
2 *concurring)*, That the Congress does not favor the Reorgan-
3 ization Plan Numbered 3 transmitted to Congress by the
4 President on May 16, 1946.

79TH CONGRESS
2^D SESSION

S. CON. RES. 66

CONCURRENT RESOLUTION

Disapproving Reorganization Plan
Numbered 3.

By Mr. McCARRAN

MAY 29 (legislative day, MARCH 5), 1946
Referred to the Committee on the Judiciary

REORGANIZATION PLAN No. 3 OF 1946

JUNE 24, 1946.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. JUDD, from the Committee on Expenditures in the Executive Departments, submitted the following

R E P O R T

[To accompany H. Con. Res. 154]

The Committee on Expenditures in the Executive Departments, to whom was referred the concurrent resolution (H. Con. Res. 154) against adoption of Reorganization Plan No. 3 of May 16, 1946, having considered the same, report favorably thereon without amendment and recommend that the concurrent resolution do pass.

On December 20, 1945, the President approved H. R. 4129, Public Law 263, known as the Reorganization Act of 1945. The Committee on Expenditures in the Executive Departments and the Congress recognized the need for reorganization of the executive departments. Section 2 of Public Law 263 of the Seventy-ninth Congress contains the following provisions:

SEC. 2. (a) The President shall examine and from time to time reexamine the organization of all agencies of the Government and shall determine what changes therein are necessary to accomplish the following purposes:

- (1) to facilitate orderly transition from war to peace;
- (2) to reduce expenditures and promote economy, to the fullest extent consistent with the efficient operation of the Government;
- (3) to increase the efficiency of the operations of the Government to the fullest extent practicable within the revenues;
- (4) to group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;
- (5) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and
- (6) to eliminate overlapping and duplication of effort.

(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding under the provisions of this Act, and can be accomplished more speedily thereby than by the enactment of specific legislation.

(c) It is the expectation of the Congress that the transfers, consolidations, coordinations, and abolitions under this Act shall accomplish an over-all reduction of at least 25 per centum in the administrative costs of the agency or agencies affected.

On May 16, 1946, the President transmitted to the Congress Reorganization Plan No. 3 of 1946, which is as follows:

REORGANIZATION PLAN NO. 3 OF 1946

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 16, 1946, pursuant to the provisions of the Reorganization Act of 1945, approved December 20, 1945

PART I. DEPARTMENT OF THE TREASURY

SECTION 101. *Functions transferred to the United States Coast Guard.*—(a) There are hereby transferred to the Commandant of the Coast Guard those functions of the bureau, offices, and boards specified in the first sentence of section 104 of this plan, and of the Secretary of Commerce, which pertain to approval of plans for the construction, repair, and alteration of vessels; approval of materials, equipment, and appliances; classification of vessels; inspection of vessels and their equipment and appliances; issuance of certificates of inspection, and of permits indicating the approval of vessels for operations which may be hazardous to life or property; administration of load line requirements; enforcement of other provisions for the safety of life and property on vessels; licensing and certificating of officers, pilots, and seamen; suspension and revocation of licenses and certificates; investigation of marine casualties; enforcement of manning requirements, citizenship requirements, and requirements for the mustering and drilling of crews, control of logbooks; shipment, discharge, protection, and welfare of merchant seamen; enforcement of duties of shipowners and officers after accidents; promulgation and enforcement of rules for lights, signals, speed, steering, sailing, passing, anchorage, movement, and towlines of vessels and lights and signals on bridges; numbering of undocumented vessels; prescription and enforcement of regulations for outfitting and operation of motorboats; licensing of motorboat operators; regulation of regattas and marine parades; all other functions of such bureau, offices, and boards which are not specified in section 102 of this plan; and all other functions of the Secretary of Commerce pertaining to those functions of the agencies abolished under section 104 of this plan which are not specified in section 102 of this plan, including the remission and mitigation of fines, penalties, and forfeitures incurred under the laws governing these functions and those incurred under the act of December 17, 1941 (55 Stat. 808), as amended.

(b) The functions relating to the award of numbers to undocumented vessels vested by law in the collectors of customs are hereby transferred to the Commandant of the Coast Guard.

SEC. 102. *Functions transferred to Bureau of Customs.*—There are hereby transferred to the Commissioner of Customs those functions of the bureau, offices, and boards specified in the first sentence of section 104 of this plan, and of the Secretary of Commerce, which pertain to registry, enrollment, and licensing of vessels, including the issuance of commissions to yachts, the assignment of signal letters, and the preparation of all reports and publications in connection therewith; measurement of vessels, administration of tonnage duties, and collection of tolls; entry and clearance of vessels and aircraft, regulation of vessels in the coasting and fishing trades, and limitation of the use of foreign vessels in waters under the jurisdiction of the United States; recording of sales, conveyances, and mortgages of vessels; protection of steerage passengers; all other functions of such bureau, offices, and boards which were performed by the Bureau of Customs on behalf thereof immediately prior to the effective date of Executive Order No. 9083 of February 28, 1942 (7 F. R. 1609); and the power to remit and mitigate fines, penalties, and forfeitures incurred under the laws governing these functions.

SEC. 103. *Powers of the Secretary of the Treasury.*—The functions transferred by sections 101 and 102 of this plan may be performed through such officers and employees of the United States Coast Guard and the Bureau of Customs, respectively, as may be designated by the Commandant of the Coast Guard and the Commissioner of Customs, respectively, and shall be performed subject to the direction and control of the Secretary of the Treasury except as otherwise required by law with respect to the United States Coast Guard whenever it operates as a part of the Navy.

SEC. 104. *Abolition of agencies.*—The Bureau of Marine Inspection and Navigation, the office of the director thereof, the offices of supervising inspectors, principal traveling inspectors, local inspectors, assistant inspectors, shipping commissioners, deputy shipping commissioners, and the board of supervising inspectors, the boards of local inspectors, the marine casualty investigation board, and the marine boards are hereby abolished. The Secretary of the Treasury shall provide for winding up those affairs of the said abolished agencies which are not otherwise disposed of herein.

PART II. DEPARTMENT OF WAR AND DEPARTMENT OF THE NAVY

SECTION 201. *Functions with respect to certain insane persons.*—(a) The functions of St. Elizabeths Hospital and the Superintendent thereof, and of the Federal Security Agency and the Federal Security Administrator, with respect to the care, treatment, and custody of insane persons, as provided in section 4843 of the Revised Statutes (24 U. S. C. 191), are hereby transferred or abolished as follows:

(1) Functions with respect to insane persons belonging to the Army or falling, by reason of employment or service in the Army, within any of the categories enumerated in said section, are transferred to the Secretary of War and shall be performed by the Secretary or, subject to his direction and control, by such officers and agencies of the Department of War as he may designate.

(2) Functions with respect to insane persons belonging to the Navy or falling, by reason of prior service in the Navy, within any of the categories enumerated in said section, are transferred to the Secretary of the Navy and shall be performed by the Secretary or, subject to his direction and control, by such officers and agencies of the Department of the Navy as he may designate. (For the purposes of this subpar. (2), the Marine Corps but not the Coast Guard is included in the Navy.)

(3) Functions with respect to insane persons belonging to the Coast Guard are abolished.

(b) Nothing in subsection (a) of this section shall affect the functions and authority of St. Elizabeths Hospital, the Superintendent thereof, the Federal Security Agency, or the Federal Security Administrator, with respect to any person heretofore admitted to St. Elizabeths Hospital and a patient therein on the effective date of this plan under the provisions of section 4843 of the Revised Statutes, or the functions and authority of said officers and agencies or of the Public Health Service with respect to Coast Guard members as beneficiaries of the Public Health Service, as provided by section 504 of the Public Health Service Act (58 Stat. 710, 42 U. S. C. 222).

PART III. DEPARTMENT OF THE NAVY

SECTION 301. *Hydrographic Office and Naval Observatory.*—The Hydrographic Office and the Naval Observatory, together with their respective functions, are hereby transferred from the Bureau of Naval Personnel, Department of the Navy, to the Chief of Naval Operations, and shall be administered, subject to the direction and control of the Secretary of the Navy, under the Chief of Naval Operations.

SEC. 302. *Supply Department of the United States Marine Corps.*—The Paymaster's Department of the United States Marine Corps and the Quartermaster's Department of the United States Marine Corps, and the functions of such departments, are hereby consolidated to form a single new agency, which shall be known as the Supply Department of the United States Marine Corps, and at the head of which there shall be the Quartermaster General of the Marine Corps. The office and title of "the Paymaster General of the Marine Corps," provided for in the act of March 24, 1944 (58 Stat. 121), are hereby abolished.

PART IV. DEPARTMENT OF THE INTERIOR

SECTION 401. *Certain functions with respect to the Franklin D. Roosevelt Library.*—The following functions are hereby transferred to the Secretary of the Interior and shall be performed, subject to his direction and control, by such officers and agencies of the Department of the Interior as he may designate:

(a) The functions of the Commissioner of Public Buildings, under section 206 of the act of July 18, 1939 (53 Stat. 1062), with respect to the care, maintenance, and protection of the buildings and grounds of the Franklin D. Roosevelt Library.

(b) The functions of the Archivist of the United States, under section 207 of the said act, with respect to the collection of fees from persons visiting and viewing the exhibit rooms or museum portion of said library, excluding the fixing of charges

to be collected but including the making of all other regulations with respect to such collection. (Any funds derived from such fees shall be paid, held, administered, and expended in consonance with the proviso in said sec. 207.)

SEC. 402. *Functions relating to mineral deposits in certain lands.*—The functions of the Secretary of Agriculture and the Department of Agriculture with respect to the uses of mineral deposits in certain lands pursuant to the provisions of the act of March 4, 1917 (39 Stat. 1134, 1150, 16 U. S. C. 520), title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 195, 200, 202, 205, 40 U. S. C. 401, 403 (a) and 408), the 1935 Emergency Relief Appropriation Act of April 8, 1935 (48 Stat. 115, 118), section 55 of title I of the act of August 24, 1935 (49 Stat. 750, 781), and the act of July 22, 1937 (50 Stat. 522, 525, 530), as amended July 28, 1942 (56 Stat. 725, 7 U. S. C. 1011 (c) and 1018), are hereby transferred to the Secretary of the Interior and shall be performed by him or, subject to his direction and control, by such officers and agencies of the Department of the Interior as he may designate: *Provided*, That mineral development on such lands shall be authorized by the Secretary of the Interior only when he is advised by the Secretary of Agriculture that such development will not interfere with the primary purposes for which the land was acquired and only in accordance with such conditions as may be specified by the Secretary of Agriculture in order to protect such purposes. The provisions of law governing the crediting and distribution of revenues derived from the said lands shall be applicable to revenues derived in connection with the functions transferred by this section. To the extent necessary in connection with the performance of the functions transferred by this section, the Secretary of the Interior and his representatives shall have access to the title records of the Department of Agriculture relating to the lands affected by this section.

SEC. 403. *Bureau of Land Management.*—(a) The functions of the General Land Office and of the Grazing Service in the Department of the Interior are hereby consolidated to form a new agency in the Department of the Interior to be known as the Bureau of Land Management. The functions of the other agencies named in subsection (d) of this section are hereby transferred to the Secretary of the Interior.

(b) There shall be at the head of such Bureau a Director of the Bureau of Land Management, who shall be appointed by the Secretary of the Interior under the classified civil service, who shall receive a salary at the rate of \$10,000 per annum, and who shall perform such duties as the Secretary of the Interior shall designate.

(c) There shall be in the Bureau of Land Management an Associate Director of the Bureau of Land Management and so many Assistant Directors of the Bureau of Land Management as may be necessary, who shall be appointed by the Secretary of the Interior under the classified civil service and subject to the Classification Act of 1923, as amended, and who shall perform such duties as the Secretary of the Interior may prescribe.

(d) The General Land Office, the Grazing Service, the offices of Commissioner of the General Land Office, Assistant Commissioner of the General Land Office, Director of the Grazing Service, all Assistant Directors of the Grazing Service, all registers of the district land offices, and United States Supervisor of Surveys, together with the Field Surveying Service now known as the Cadastral Engineering Service, are hereby abolished.

(e) The Bureau of Land Management and its functions shall be administered subject to the direction and control of the Secretary of the Interior, and the functions transferred to the Secretary by subsection (a) of this section shall be performed by the Secretary or, subject to his direction and control, by such officers and agencies of the Department of the Interior as he may designate.

PART V. DEPARTMENT OF AGRICULTURE

SECTION 501.—*Functions of certain agencies of the Department of Agriculture.*—The following functions are hereby transferred to the Secretary of Agriculture and shall be performed by him or, subject to his direction and control, by such officers and agencies of the Department of Agriculture as he shall designate:

(a) All functions of the Agricultural Adjustment Administration and the Surplus Marketing Administration and of the respective heads of such Administrations.

(b) The administration of the programs of the Federal Crop Insurance Corporation and the Commodity Credit Corporation.

PART VI. DEPARTMENT OF COMMERCE

SECTION 601. *Certain functions of National Bureau of Standards.*—The following functions are hereby transferred to the Secretary of Commerce and shall be performed, subject to his direction and control, by such officers and agencies of the Department of Commerce as he may designate:

(a) Those functions of the National Bureau of Standards under section 2 of the act of March 3, 1901 (31 Stat. 1449), which are now performed by the Division of Commercial Standards of said Bureau, namely, (1) to assist, coordinate, and cooperate with groups of consumers, distributors or producers, technical organizations, and other persons, in the voluntary establishment, maintenance, recording, publishing, and promoting of commercial standards as a nationally and internationally recognized basis for testing, grading, labeling, marketing, guaranteeing, or accepting staple, manufactured commodities moving in daily domestic and foreign trade; and (2) to assist in the development of Federal purchase standards specifications and in providing information to the public and the Government of such standards and specifications.

(b) Those functions of said Bureau under said section 2 which are now performed by the Division of Simplified Trade and Practices of said Bureau, namely, to assist, coordinate, and cooperate with individuals and groups of producers, distributors, and users in establishing, recording, publishing, and promoting a Nation-wide program for the elimination of avoidable waste through the formulation of simplified trade practice recommendations which identify and list the sizes, types, dimensions, and varieties of products that are in national demand in the country, including but not limited to simplified trade practice recommendations concerning the following commodities: Wood, textiles, paper and rubber products, metal and mechanical products, containers and miscellaneous products, materials handling equipment, ceramic products, electrical products, construction materials, and metal and woodworking tools.

(c) So much of the functions of the Director of said Bureau as relates to the foregoing activities.

PART VII. NATIONAL LABOR RELATIONS BOARD

SECTION 701. *Strike ballots under War Labor Disputes Act.*—The functions of the National Labor Relations Board under section 8 of the War Labor Disputes Act (57 Stat. 162, 167, ch. 144) with respect to taking secret ballots of employees on the question of an interruption of war production are hereby abolished.

PART VIII. SMITHSONIAN INSTITUTION

SECTION 801. *Canal Zone Biological Area.*—The functions of the Board of Directors of the Canal Zone Biological Area (which Board is provided for in the act of July 2, 1940 (54 Stat. 724, ch. 516), together with the functions of the executive officer of such Board, are hereby transferred to the Smithsonian Institution. The said Board of Directors and the office of the said executive officer are hereby abolished.

PART IX. UNITED STATES EMPLOYMENT SERVICE

SECTION 901. *Placement functions under Selective Training and Service Act of 1940.*—There is hereby transferred to the United States Employment Service so much of the functions of the Selective Service System and of the Director of Selective Service under section 8 (g) of the Selective Training and Service Act of 1940 (54 Stat. 890, ch. 720) as relates to aiding persons who have satisfactorily completed any period of active duty or of training and service under the said act in securing positions other than the positions held by them prior to said period.

PART X. RECORDS, PROPERTY, PERSONNEL, AND FUNDS

SECTION 1001. *Transfer of records, property, personnel, and funds.*—There are hereby transferred to the respective agencies in which functions are vested pursuant to the provisions of this plan, to be used, employed, and expended in connection with such functions, respectively, or in connection with winding up the outstanding affairs of agencies abolished by this plan, (1) the records and property now being used or held in connection with such functions, (2) the personnel employed in connection with such functions, and (3) the unexpended balances of appropriations, allocations, or other funds available or to be made available for use in connection with such functions.

SEC. 1002. *Disposition of excess personnel.*—Any of the personnel transferred under this plan which the transferee agency shall find to be in excess of the personnel necessary for the administration of the functions transferred to such agency by such plan shall be retransferred under existing law to other positions in the Government or separated from the service.

SEC. 1003. *Dispositions by Director of the Bureau of the Budget.*—Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in order to effectuate the provisions of this part or in order to wind up the outstanding affairs relating to agencies or functions abolished by this plan shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

The committee held extensive hearings on Reorganization Plan No. 3 of 1946 and heard representatives of the Bureau of the Budget and the Attorney General's office. They also heard representatives of private organizations and individuals who were for and against the plan.

The committee disapproved section 201 of Reorganization Plan No. 3, which would transfer or abolish the functions for which St. Elizabeths Hospital was originally established, namely, for the care and treatment of mentally ill enlisted men and officers of the Army, Navy, and Marine Corps. It would take the outstanding mental hospital in the United States and make it the equivalent of the ordinary county insane asylum, serving only the District of Columbia. St. Elizabeths has been a pioneer in the investigation and treatment of mental diseases, due largely to the great variety of psychiatric cases coming to it and to the extraordinarily high standards of its research and teaching. It has become, according to the testimony of officers of the American Psychiatric Association, "a unique teaching hospital. There is no other like it." It is the only mental hospital in the United States approved for rotating internships by the Council of Medical Education of the American Medical Association. It provides about 20 approved residencies, which are highly sought after by physicians desiring to take graduate training in order to become psychiatric specialists. There is a more urgent need for such specialists now than at any other time in our history, coupled with a more acute shortage of psychiatrists than of any other type of physician. For example, 50 percent of all pensions paid by the Veterans' Administration for disability are because of psychiatric disorders. Sixty percent of all hospitalization by the Veterans' Administration is for psychiatric ailments. Yet our country has only 4,000 experienced psychiatrists, including those in the armed forces. It has been estimated that we now need at least four times that many, with a proportionate increase in number of trained psychiatric nurses, psychiatric social workers, and psychiatric attendants.

St. Elizabeths Hospital has no superiors and few, if any, peers in providing such urgently needed training facilities. Since VJ-day its patient load has fallen so that it is not crowded. There is no valid medical reason for transferring elsewhere the functions it has performed with such outstanding success. Reorganization Plan No. 3 would inevitably bring a certain amount of demoralization and reduction of its effectiveness at the very time when its services are most urgently needed. It seemed to the committee that to impair the teaching facilities at St. Elizabeths at this particular time would be on a par with splitting up and disorganizing West Point and Annapolis in the midst of a hard war.

It may be that those laymen who planned this reorganization without consulting, so far as we were able to determine, any leading members of the psychiatric profession are assuming that the proposed National Institute of Mental Health to be established by pending legislation will be able to exercise the teaching functions heretofore lodged in St. Elizabeths Hospital. However, it is certain that such a new institution cannot within one or two decades be built and equipped, acquire a staff, and, above all, develop a professional standing, morale, and reputation that would enable it to approach St. Elizabeths as a training center for psychiatrists and psychiatric workers.

The committee carefully considered the plan and does not believe that it meets the expectations of Congress as set out in section 2 of the Reorganization Act of 1945. The committee had hoped that the reorganization plans transmitted by the President would increase efficiency and reduce Government expenditures. No testimony was presented to the committee to show that either objective would be accomplished by the plan. For the above reasons, the committee asks the House to support House Concurrent Resolution 154 and reject Reorganization Plan No. 3 of 1946.

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Union Calendar No. 710

79TH CONGRESS
2^D SESSION

H. CON. RES. 154

[Report No. 2328]

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 1946

Mr. PITTENGER submitted the following concurrent resolution; which was referred to the Committee on Expenditures in the Executive Departments

JUNE 24, 1946

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

CONCURRENT RESOLUTION

- 1 *Resolved by the House of Representatives (the Senate*
- 2 *concurring)*, That the Congress does not favor the Reorgan-
- 3 ization Plan Numbered 3 of May 16, 1946, transmitted to
- 4 Congress by the President on the 16th day of May 1946.

Union Calendar No. 710

79TH CONGRESS
2^D SESSION

H. CON. RES. 154

[Report No. 2328]

CONCURRENT RESOLUTION

Against adoption of Reorganization Plan
Numbered 3 of May 16, 1946.

By Mr. PITTENGER

MAY 25, 1946

Referred to the Committee on Expenditures in the
Executive Departments

JUNE 24, 1946

Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

REORGANIZATION PLAN NO. 3

JULY 9 (legislative day, JULY 5), 1946.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. Con. Res. 66]

The Committee on the Judiciary, to whom was referred the concurrent resolution (S. Con. Res. 66) disapproving Reorganization Plan No. 3, having considered the same, report unfavorably thereon with the recommendation that the concurrent resolution be disapproved.

INTRODUCTION

Enactment of the Reorganization Act of 1945 involved a broad grant of discretion by the Congress, to the President, to reorganize the executive branch of the Government in accordance with what he considered sound administrative principle, subject to certain mandates and prohibitions specifically written into the act.

Under the provisions of the Reorganization Act, each plan must be approved or rejected as a whole; component parts of a plan cannot be acted upon separately.

It was well recognized by the Congress—and commented upon in committee and on the floor—that whatever the President might propose with respect to curtailment of the powers or functions of any particular department or agency probably would be subject to objections from that agency and from a certain satellite segment of public opinion which could be readily influenced by that agency. Since such objections were expected, it seems reasonable to assume it was the will of the Congress that the President's decisions with respect to policy and with respect to the advisability and desirability of such changes as he might propose should be, if not controlling, at least strongly persuasive.

The Congress gave the President certain powers. The Congress will hold the President responsible for the effectiveness and efficiency of the administration of the executive branch and for the results of any reorganizations which may be put into effect. The responsibility for

results is wholly the President's. Therefore, it seems entirely reasonable to contend, as the administration does contend, that the President's proposals should not be lightly rejected because of a mere challenge to the wisdom or desirability of any particular proposed reorganization.

It is important, therefore, to distinguish clearly between objections to and criticisms of any individual reorganization plan, or items therein which are based upon questions of expediency, policy, or desirability. In the analysis which follows, this distinction is made, and the two kinds of objections are separately set forth.

Enactment of the Reorganization Act of 1945 clearly evidenced a desire by the Congress that reorganization of the executive branch shall be accomplished. Certainly, therefore, while it is clearly the duty of the Congress to examine each plan, and each component of each plan, with the greatest care to determine whether it complies in every respect with the provisions of the Reorganization Act of 1945, the illegality of a plan, or of any particular provision of a plan, should be clearly evident in order to justify rejection of the plan, since such rejection would be, in effect, in derogation of the will of the Congress that there shall be reorganization in the executive branch.

In this connection, it should be borne in mind at all times that the Attorney General of the United States has stated unequivocally his own complete approval of the legality of each of the reorganization plans transmitted by the President and of all of the provisions therein.

It has been argued, as a general objection to these three reorganization plans, that they do not provide for specific savings in dollars and cents and that savings of at least 25 percent are contemplated by the Reorganization Act.

While witnesses at the hearings have been reluctant to testify concerning prospective savings, a partially inconclusive study made by the committee staff indicates that savings of approximately \$500,000 may perhaps be reasonably anticipated, on the basis of a comparison of the costs of administration, in the event these plans become operative, with the costs of administration if the agencies affected continue on the present basis or revert to their permanent prewar status. Entirely aside from this point, however, it should be noted that the Reorganization Act does not specifically require savings; and that the language with respect to the expectation of Congress in that regard was rewritten so as to be applicable not to any particular reorganization plan or plans but as an over-all expectation with respect to all reorganizations proposed by the President under the act. Since it has been testified that other reorganization plans are in process of formulation and will be submitted at a later date, it does not appear to be essential, as a matter of law, that any specific savings should be demonstrated as certain to occur under the plans now before the Congress.

Questioning of Government witnesses at the hearings was purposely very explicit on many points which seemed to require clarification either of the intent of the plan or of the interpretation which would be placed upon certain provisions of the plan. With respect to such matters of intent and interpretation, the committee wishes to point out that the testimony of Government witnesses, particularly those who worked on the plans while they were in process of preparation, must be considered controlling as to intent; and that such testimony

is equally controlling as to interpretation, unless the Congress shall clearly and specifically indicate otherwise. It has been the purpose of the committee, in raising these various issues during the hearings, to lay a foundation for a rational interpretation and administration of these reorganization plans and to resolve in advance, as far as possible, and to the extent that such questions can be anticipated, the many questions which may be expected to arise in the event the plans become effective. Thus, in approving any one of these plans, the Congress will be approving not merely the language of the plan as set forth and explained in the President's message transmitted to the Congress but also the interpretation and intent of the plan, or any provision thereof, as explained by Government witnesses at the hearings, unless the contrary intent of the committee or the Congress shall be otherwise clearly expressed.

DISCUSSION

Reorganization Plan No. 3 of 1946, was transmitted to the Senate on May 16. The President's message of transmittal, and the text of the plan, have been printed as House Document 596, Seventy-ninth Congress, second session. In this report each section of the plan will be taken up in order. Specific objections made to the provisions of any section will be noted and discussed.

SECTION 101

This section transfers to the Commandant of the Coast Guard functions of the Bureau of Marine Inspection and Navigation, the office of the Director thereof, the offices of supervising inspectors, principal traveling inspectors, etc.; and abolishes the Marine Casualty Investigation Board, the marine boards, the Board of Supervising Inspectors, and the boards of local inspectors. It further transfers to the Coast Guard those functions of the Secretary of Commerce which pertain to the approval of plans for the construction, repair, and alteration of vessels; approval of materials, equipment, and appliances, licensing of pilots and seamen, promulgation and enforcement of "rules of the road," etc. In addition, the functions relating to the award of numbers to undocumented vessels, vested by law in the collector of customs, are also transferred to the Commandant of the Coast Guard.

Legal objections

The only objection which might be assumed to go to the legality of this section was raised by Mr. James E. Moss, Director of the Division of Transportation of the American Petroleum Institute, who stated in substance that since the plan transfers only the functions of the Bureau of Marine Inspection and Navigation to the Coast Guard and at the same time abolishes both the titles and the organization created by Congress for the effective performance of these functions, it is illegal and an improper delegation of authority, in that sufficient provision is not made for the manner in which the Commandant of the Coast Guard shall carry out the functions transferred.

In answer to this objection, the Commandant of the Coast Guard, Admiral Farley, testified that as far as he knew the same procedures as were employed by the Bureau would continue to be employed by the Coast Guard.

More importantly, these provisions of the plan will be subject to the "saving clause" (sec. 9) of the Reorganization Act of 1945.

Nonlegal objections

The committee has received many telegrams and letters from individual members of various maritime associations, as well as from officers of such associations representing the organization as a whole, none of which have gone into any particular detail as to the advisability or lack of it in the proposed transfer, but all of which have stated opposition to it.

Mr. John Hawk, vice president of the Seafarers International Union of North America (A. F. of L.) appeared before the committee and in substance gave as his principal objection to the transfer his opinion that the Coast Guard would operate the service in a military manner. He argued that normal military methods would operate to foreclose the crews, and licensed personnel as well, from many of their rights and privileges under the old system employed by the BMN. He also stated it was his belief that the personnel of the Coast Guard were not qualified by experience to conduct the investigations and inspections necessary to insure the safety of the equipment used in merchant-marine operations. Admiral Farley subsequently assured the committee only competent and qualified personnel would be used.

Mr. Hoyt S. Haddock, executive secretary, CIO Maritime Committee, also questioned the advisability of the transfer, largely on the ground that the Coast Guard would enforce a military discipline, which he said would be against the interests of the crew members as well as the licensed personnel. He cited instances where, in his opinion, during the course of wartime operations, the Coast Guard had completely disregarded the statutory rights of seamen. Explanation by the Coast Guard of the cited incidents (hearings, p. 272 et seq.) was satisfactory to the committee.

SECTION 102

This section transfers to the Bureau of Customs the functions of the Bureau of Marine Inspection and Navigation which pertain to registry, enrollment, and licensing of vessels, the assignment of signal letters, and all other functions of such Bureau which were performed by the Bureau of Customs on behalf thereof immediately prior to the date of Executive Order No. 9083 of February 28, 1942.

Legal objections

None.

Nonlegal objections

Only general objection, as outlined in the summary of section 101, has been interposed with respect to this section. Commissioner Johnson, of the Bureau of Customs, appeared before the committee at his own request and stated that in his opinion the transfer carried out the purposes of the Reorganization Act of 1945 in that it tended to put into the proper agency the functions which belonged to that agency, and thus to avoid duplication and increase efficiency.

SECTION 103

This section authorizes the Commandant of the Coast Guard and the Commissioner of Customs to designate certain officers and employees of their respective agencies to carry out the functions and duties transferred under sections 101 and 102, subject, however, to the direction and control of the Secretary of the Treasury unless, with respect to the Coast Guard, it is operating as an adjunct of the Navy.

Legal objections

None.

Nonlegal objections

None.

SECTION 104

This section lists the agencies that are affected by the transfer of functions and is simply a listing of the offices transferred or abolished. It further provides that the Secretary of the Treasury shall wind up the affairs of the abolished agencies.

Legal objections

None.

Nonlegal objections

None.

SECTION 201

This section has the effect of requiring the War and Navy Departments respectively to arrange for the care of the insane military personnel under their jurisdiction. Insane persons belonging to the Coast Guard are to be cared for through the Public Health Service and the Federal Security Administrator. Any person who has already been admitted to St. Elizabeths Hospital is not to be affected by this plan.

Government witnesses testified it was not contemplated that any part of the Federal Government's financial support of St. Elizabeths Hospital (aside from reimbursement for patient expense) would be withdrawn as a result of the proposed transfer; and that the burdens imposed upon the District of Columbia with respect to the operation and maintenance of St. Elizabeths Hospital would not be increased, either directly or indirectly.

Legal objections

None. (In rejecting this plan, the House of Representatives based its action entirely on nonlegal objections raised by the House committee.)

Nonlegal objections

It is alleged that withdrawing military personnel from St. Elizabeths Hospital will be a detriment to the hospital, which it is said, occupies a unique place in the study of insane persons. It is stated that St. Elizabeths is known over the world and, because of the large number and variety of types who are cared for there, provides an unequalled opportunity for study on the part of those persons interested in psychiatry.

In rebuttal to this contention, representatives of the Bureau of the Budget and Mr. Watson Miller, the Federal Security Administrator, stated that the percentage of military patients who are now or ever have been admitted to St. Elizabeths Hospital is so small as to constitute only a negligible opportunity for study; and gave it as their considered opinion that the allegation set forth in the preceding paragraph is unfounded and without merit.

Besides the fact that only about 10 percent of the patient load at St. Elizabeths Hospital is composed of military patients, it seems obvious that, because such military patients are in the same general age group and are, on the whole, suffering from the same type of mental affliction, this group provides a narrower range for psychopathic research than other patients at the hospital who are of all ages, are drawn from all walks of life, and suffer from many different types of mental illness or impairment.

Another important factor to be considered is that in a mental hospital there is a maximum beyond which the patient load cannot go if satisfactory treatment for all patients is to be provided.

The primary purpose of St. Elizabeths Hospital is to treat the sick in mind. The fact that the hospital affords to psychiatrists opportunity for research and observation is a happy concomitant, but not a major purpose. The committee does not believe the provisions of this section will seriously curtail this opportunity.

SECTION 301

This section transfers the Hydrograph Office of the Navy and the Naval Observatory, together with their respective functions, from the Bureau of Naval Personnel to the Chief of Naval Operations, both in the Department of the Navy. It is a strictly intra-agency adjustment.

(Rear Admiral Glover, U. S. Navy hydrographer, and Captain Wentworth, of the U. S. Naval Observatory, appeared before the committee at their own request and each stated that in his opinion the transfers were desirable, and that no objection had been raised by anyone, within his knowledge.)

Legal objections

None.

Nonlegal objections

None.

SECTION 302

This section has the effect of combining the Paymaster's Department and the Quartermaster's Department of the U. S. Marine Corps into a new agency to be known as the Supply Department of the U. S. Marine Corps, and at the head of which there shall be the Quartermaster General of the Marine Corps. It abolishes the office and title of the Paymaster General of the Marine Corps. This is a strictly intra-agency adjustment.

(Colonel Knighton, U. S. Marine Corps, appeared before the committee at his own request, representing the Quartermaster General, and stated that the Marine Corps found the plan to be desirable and that as far as he knew there had been no objection made.)

Legal objections

None.

Nonlegal objections

None.

SECTION 401

This section transfers to the Department of the Interior the house-keeping functions in connection with the Franklin D. Roosevelt Library.

(While there is nothing in this section which places the transferred functions under the National Park Service, Government witnesses testified that the intent is that such functions shall be placed under the National Park Service, and that there is no other logical place to put them.)

Legal objections

None.

Nonlegal objections

None.

SECTION 402

This section transfers to the Secretary of the Interior functions now exercised by the Secretary of Agriculture with respect to the leasing of certain mineral deposits in lands acquired by the Department of Agriculture under certain cited statutes.

Testimony at the hearings made it very clear that this section does not convey any authority to the Secretary of the Interior, with respect to the licensing of mineral deposits, which is not now possessed and exercised by the Secretary of Agriculture.

(Attention is directed to the chart at p. 338 of the hearings, showing the acreage of lands, in each State, affected by this proposed transfer.)

Legal objections

None.

Nonlegal objections

None.

SECTION 403

This section would merge the Grazing Service and the General Land Office to create a new Bureau of Land Management within the Department of the Interior. It is a strictly intra-agency adjustment.

While the provisions with respect to the creation of the proposed Bureau of Land Management have naturally caused some concern, and have been subjected to the closest scrutiny, particularly by Members of the Congress from public-lands States, it is perhaps significant that no concrete or specific objections have been raised to this proposal, and that those who have studied it most closely have expressed the view that the President's proposal does not appear to have any obvious faults, and, in fact, may be expected to result in some much-needed improvement in the Federal administration of public-lands matters. If coupled with a more liberal administration of the public lands, a cessation of public-lands withdrawals, and a return of substantial portions of lands hitherto withdrawn, the President's proposal might

well operate to remove an appreciable part of the dissatisfaction with Government public-lands policy which users of the public domain have for many years continuously and increasingly expressed.

Government witnesses testified that the work now performed by registers of land offices will be continued if this plan becomes effective, and will continue to be performed at the local level. No attempt, it was declared, will be made to centralize this work or to take it away from the field, even to the extent of consolidating it by regions.

(Government witnesses furnished the committee with a statement indicating that statutory provisions now applicable to land under the control of the Grazing Service will not automatically become applicable to land now under the control of the General Land Office, as a result of creation of the new Bureau of Land Management; and, similarly, that statutory provisions now applicable to land under control of the General Land Office will not become applicable automatically to land now under control of the Grazing Service. This statement appears at p. 341 of the hearings.)

Legal objections

None.

Nonlegal objections

None.

SECTION 501

This section transfers to the Secretary of Agriculture (a) the functions and duties of the Agricultural Adjustment Administration and the Surplus Marketing Administration and (b) the administration of the programs of the Federal Crop Insurance Corporation and the Commodity Credit Corporation.

(Government witnesses testified that while the provisions of this section will give the Secretary of Agriculture complete control of the programs of the Federal Crop Insurance Corporation and the Commodity Credit Corporation, these Corporations would continue in existence as corporate entities. There was apparently some confusion as to whether the President's plan intended that the programs of these Corporations should be administered by the Secretary of Agriculture through the Corporations, or in some other manner; and in view of this uncertainty, it is probable that the plan would permit the Secretary to adopt whatever course, in this regard, he might choose to pursue.)

Legal objections

None.

Nonlegal objections

None.

SECTION 601

This section transfers to the Secretary of Commerce, to be performed wherever in the Department of Commerce he may designate, certain functions of the Bureau of Standards and the Division of Simplified Trade and Practices thereof, relating to assistance to business and trade groups in the establishment and promotion of commercial standards and simplified practices.

The exact effect of the transfer proposed by this section is difficult to ascertain. Testimony before the committee was that the functions now being performed by the Agency proposed to be transferred would continue to be performed, presumably by the same personnel, and possibly in the same quarters. On the other hand, it was testified that the main purpose of this transfer was not merely to build up the Office of Domestic Commerce in the Commerce Department. It was stated unequivocally that the services now being performed would not be curtailed. On the other hand, it was indicated that there might be an expansion of services, though it was not made clear whether this expansion would be in scope or in volume of services.

Legal objections

None.

Nonlegal objections

Several protests against this transfer from trade groups and individual businessmen and firms, were received by the committee. Also received were a letter and accompanying statements, from Mr. Iler J. Fairchild, former Chief of the Division of Trade Standards, which appears at page 449, et seq., of the hearings.

SECTION 701

This section abolishes the function of the National Labor Relations Board with respect to taking of strike ballots under the War Labor Disputes Act. (This is in line with action already taken by the Congress.)

Legal objections

None

Nonlegal objections

None

SECTION 801

This section transfers to the Smithsonian Institution the functions of the Board of Directors of the Canal Zone Biological Area, and abolishes the Board.

Legal objections

None

Nonlegal objections

None

SECTION 901

This section transfers to the USES those functions of the Selective Service System relating to the aid of persons who have satisfactorily completed a period of active duty or training under the Selective Service Act.

(Attention is directed to the testimony of Government witnesses that the functions here proposed to be transferred would be decentralized to the States, and operated at the State level, under Federal supervision, when the employment offices now operated by the United States Employment Service are returned to the States. See especially pp. 351-353 of the hearings.)

Legal objections

None.

Nonlegal objections

None.

SECTION 1001

This is the usual section transferring records, property, personnel, and funds.

Legal objections

None.

Nonlegal objections

None.

SECTION 1002

This section deals with excess personnel and provides that they shall be transferred under civil-service regulations or separated from the service.

Legal objections

None.

Nonlegal objections

None.

SECTION 1003

This section authorizes the Director of the Bureau of the Budget to issue such additional directions as may be necessary to wind up the affairs of any of the agencies affected by this plan.

Legal objections

None.

Nonlegal objections

None.



Calendar No. 1706

79TH CONGRESS
2^D SESSION

S. CON. RES. 66

[Report No. 1672]

IN THE SENATE OF THE UNITED STATES

MAY 29 (legislative day, MARCH 5), 1946

Mr. McCARRAN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

JULY 9 (legislative day, JULY 5), 1946

Reported adversely by Mr. McCARRAN and placed on the calendar

CONCURRENT RESOLUTION

1 *Resolved by the Senate (the House of Representatives*
2 *concurring), That the Congress does not favor the Re-*
3 *organization Plan Numbered 3 transmitted to Congress by*
4 *the President on May 16, 1946.*

Calendar No. 1706

79TH CONGRESS
2^D SESSION

S. CON. RES. 66

[Report No. 1672]

CONCURRENT RESOLUTION

Disapproving Reorganization Plan
Numbered 3.

By Mr. McCARRAN

MAY 29 (legislative day, MARCH 5), 1946
Referred to the Committee on the Judiciary
JULY 9 (legislative day, JULY 5), 1946
Reported adversely and placed on the calendar

79TH CONGRESS
2^D SESSION

H. CON. RES. 154

IN THE SENATE OF THE UNITED STATES

JULY 13 (legislative day, JULY 5), 1946

Considered and disagreed to

CONCURRENT RESOLUTION

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That the Congress does not favor the Reorgan-
3 ization Plan Numbered 3 of May 16, 1946, transmitted to
4 Congress by the President on the 16th day of May 1946.

Passed the House of Representatives June 28, 1946.

Attest:

SOUTH TRIMBLE,

Clerk.

79TH CONGRESS
2^D SESSION

H. CON. RES. 154

CONCURRENT RESOLUTION

Against adoption of Reorganization Plan
Numbered 3 of May 16, 1946.

JULY 13 (legislative day, JULY 5), 1946
Considered and disagreed to